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P.R. proves itself in experience

Proportional Representation Works!

By William R. Woodward and George H. Hallett, Jr.

IN January's *Forum, we pointed out* certain significant departures from democratic principles which have generally been involved (quite unnecessarily) in the process of changing from the simple democracy of the town meeting, in which every sentiment and opinion appears in proportion to its popularity, to the representative form of democratic government. The undemocratic results of the failure of the most common representative institutions to represent large minorities were discussed. It was then pointed out that the basic democratic equality of the town meeting could be achieved together with all the conveniences of the representative form of government, if a proportional form of representation is adopted. The two chief types of proportional representation were described: the party list used chiefly in continental Europe and the preferential vote (Hare system) generally preferred over the list system in English-speaking countries. In this article, the experience with proportional representation will be reviewed. Following the modern practice of adopting alphabetical abbreviations, proportional representation will be referred to as "P.R."

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The principal use of P.R. in this country so far has been in the government of 17 municipalities. It is natural that cities should have been the first units of government to turn to P.R. in this country, because it is precisely in the field of municipal government that the more conventional systems of representation have shown their weakness most seriously. In city after city, organized on the ward-plurality plan or with the election of councilmen at large (or some

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combination of both plans), the competition between parties has become supplanted by a one-party system with a purely nominal opposition. Neither the provision of large councils, small councils, non-partisan ballots, "strong mayors," back-seat driving from state capitols, finance commissions, nor even the city manager type of administration, has been able to remedy the dangerous susceptibility of the usual type of city government to prolonged and self-perpetuating one-party domination and boss rule. Of course, even a change that in principle achieves no improvement may sometimes excite enough public interest to bring about a certain amount of reform by the very fact of public attention. The most depressing aspect of entrenched boss or "machine" rule has been its ability to defy outspoken opposition of large sections of the community over long periods and to reestablish itself after brief periods of "reform."

Although it is true that rule by a self-seeking political "machine" has now and then been broken by other methods, such as by outstanding candidacies presented at the proper psychological moment (for example Mayor de Lesseps recently in New Orleans), the introduction of P.R. has a remarkable record for reform. It consistently establishes a lasting basis for healthy competition of interests where domination by a single faction of a single party existed before.

Of the larger cities using P.R., Cincinnati has had the longest experience with the system, having adopted it in 1924. For 40 years previously the city had been dominated by the political organization of bosses Cox and Hynicka, with only two short interruptions. The "machine" vote generally dominated the Republican primary elections and the final election generally gave the organization a staggering preponderance in the city council. In 1921, the Republican organization under Rud Hynicka elected 31 councilmen out of 32, all six of those elected at large and 25 of the 26 elected by wards.

In 1924, a new charter introducing P.R. and the city manager form of administration was adopted, over the strenuous opposition of the Republican organization, by more than a two-to-one vote (at the same time that the Republican presidential candidate obtained an overwhelming majority in the city). The first P.R. election held the next year, revealed that the "machine" faction of the Republican party, which had been dominating the city for years, was only a minority, including only about a third of the whole electorate. Such a following had been enough to control the Republican primaries. The general preference of the voters for the Republican party (linked to a feeling that the less-known Democratic candidates were probably no better) had given the well-organized minority practically a monopoly of the council seats.

Under P.R. the machine obtained only three of the nine council seats. Good-government Republicans, good-government Democrats, and good-government independents were no longer divided into separate camps by primary elections for the benefit of the professional dispensers of po-

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ical patronage and their hangers-n. The entire electorate could, in ffect, participate in all the stages of ıe selection of representatives with-ut attending more than one elec-ıon (a great advantage in view of ıe fact that primary elections are sually poorly attended and decided y a mere plurality vote).

In this 1925 Cincinnati election, he Democrats obtained two out of ıine council seats, instead of the pre-ious one out of 32. The feature of he election, however, was the elec-ıon of four independent Republican andidates owing no allegiance to Boss Hynicka. These included a awyer nationally known as an au-hority on the law of municipal cor-ɔorations (Murray Seasongood), a ınancial expert, an engineer-business nan and the president of a labor ınion. These four formed the major ɔart of a coalition in which the Dem-ɔcrats joined for a thorough reor-ganization of the city, which was arried out with the most favorable ınd enduring results.

The power of the rank-and-file Re-ɔublican voters to vote for its real ɔreferences among candidates under P.R. has in the course of years caused he local Republican party organiza-ion to rehabilitate itself. This grad-ually increased the party's strength, so that it has for a number of years elected five of the nine city council-men. But the organization knows that it can keep majority control in the council only so long as it keeps the confidence of a majority of the electorate. The city is still among the best governed in the world.

Hamilton and Toledo adopted charters providing P.R. and the city manager plan in 1927 and 1934, respectively. The experience under these charters to date in both cases shows great improvement over the previous government of these cities. Former machine-ridden Hamilton has continuously enjoyed non-partisan municipal government and services of a high order for nearly 20 years. In Toledo, the opposition to the reform has been unusually persistent, though not otherwise particularly impressive, and has brought four referendum proposals to abolish P.R., which were all defeated in turn. The latest vote was November, 1945.

In Cleveland and Ashtabula, where P.R. had been established in 1921 and 1915, respectively, opposition forces, after some years, succeeded in eliminating P.R. by close referendum votes. In Cleveland the change was tied up with other important changes and P.R. was not generally considered the chief issue. In both cities, the record of city government under P.R., judged by objective standards, was better than before.

NEW YORK

P.R. has brought distinct civic benefits to New York, in spite of the fact that the city council has been given too little power and has consequently received too little attention from the voters to get the best results. New York, with its directly elected mayor, is one of a few exceptions to the more common combination of a P.R. council with the city manager form of administration. New York also varies from the usual pattern in P.R.-governed cities by electing its council by districts, each large enough (except Staten Island) to enable P.R.

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to provide minority representation when applied to each district separately. Similar schemes using P.R. by large districts were used in Cleveland and West Hartford.

The introduction of P.R. in New York (in 1936) did not result in loss of majority control in the council by the Democratic organization, but the changes brought about were none the less remarkable. The Tammany Hall majority on the Board of Aldermen under the old city charter had been overwhelming since 1919, once rising to 64 out of 65. Under P.R., there has always been a minority of one-third or more on the City Council. Not only have able minority candidates been elected (such as Mrs. Genevieve B. Earle, the minority leader, three times elected as an independent before she became an official candidate of her party), but the caliber of the majority candidates has improved (presumably because of the power of the rank and file to over-rule the bosses in choosing between candidates of the same party. This is more effective at a P.R. election than at the usual primary). Minority representation on the Council has repeatedly demonstrated its value, as when it blocked a plan, to preserve objectionable patronage in county offices, presented by the majority leader in an unsuccessful effort to head off real reform. This plan was defeated by a combination of the minority with a few of the more civic-minded Democrats who shared the general public feeling of opposition. If the majority's representation on the council had been exaggerated at the expense of minority representation, the dominant faction within the majority would very likely hav had its way.

Useful as minority representatic has been in New York, as elsewher its advantages have been overlooke by many because of the recent ele tion of two Communists and one two other left-wing radicals in council of about 20. (In New Yo the number elected in each boroug depends on the number of votes ca —an automatic plan of reapportio ment.) But such elements have bee represented strictly in proportion t their numbers in the electorate an because of their inability to find an substantial number of allies for the economic views, have had little effe on council policy except in matte where they went along with mo conservative civic forces. It is als to be noted that in New York som persons adhering to the Communi "line" have in recent years been su cessful in legislative and Congre sional elections where the old plurality method prevails. The latt circumstance is less satisfactory tha the election of similar candidat under P.R. The inhabitants of th Eighteenth Congressional Distric for example, have no other represen tative than Congressman Marcar tonio, who won by a bare majority Any Communist in the City Counc represents only those who voted fo him while his non-Communist neigh bors are able to help the election o non-Communist councilmen from th same borough.

Two other cities in New Yo State have also adopted P.R., pr ferring to combine it with the cit manager plan—Yonkers and Lon Beach.

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Cambridge and Lowell, Massachu-
is, adopted charters including P.R.
1940 and 1942, respectively. In
th cases, the city governments were
serious difficulties at the time of
option and a marked improvement
mediately set in. P.R. secured ade-
ate minority representation and in
th cases had an important effect in
proving the representation of the
jority party on the council. In
th cases, the Democratic party con-
ued to hold a considerable major-
, but the change effected was as
narkable as any change-over from
e major party to the other. In
mbridge, all the members of the
uncil started conferring together
stead of having one party caucuses,
d in both cities the divisions in
uncil since the advent of P.R. have
nerally not been along party lines.
e Cambridge city manager chosen
d retained by the P.R. Councils,
lonel John B. Atkinson, has made
outstanding record for efficient
d economical service.

Both Cambridge and Lowell
opted P.R. under general legisla-
n passed about 10 years ago to per-
it Massachusetts cities to elect a
R.-city manager plan of govern-
ent by referendum. This plan is
ailable now as one of five standard
ernatives, including another city
anager plan and a conventional
ayor-council plan. Further adop-
ns of P.R. by Massachusetts cities
to be expected in the next few
ars, as the plan is being actively
vocated in a number of localities,
cluding Boston.

Wheeling, West Virginia, is an
portant city with over 10 years'
perience with P.R., having adopted
the system in 1935. Boulder, Colo-
rado, has used P.R. longer than any
other American city, under a charter
adopted in 1917. Three attempts to
repeal P.R. there have been over-
whelmingly voted down. Two small
municipalities, Coos Bay, Oregon,
and the T.V.A. town of Norris, Ten-
nessee, also use P.R. The Coos Bay
charter, adopted in 1945, also pro-
vides for direct election of a mayor
by a preferential ballot.

Two cities and one town have had
remarkably successful operation un-
der P.R. interrupted by action of
state authorities. In the case of Sac-
ramento, California, and Kalamazoo,
Michigan, the interruption resulted
from judicial interpretation of the
state constitution (decisions in the
early 1920's which are to be con-
trasted with the modern legal under-
standing shown in decisions on simi-
lar questions arising under the Ohio,
New York and Massachusetts consti-
tutions). In the case of West Hart-
ford, Connecticut, it was the state
legislature which overruled the
wishes of the local voters, rushing
through a measure in 1923 over local
protests in the interests of the domi-
nant state party organization. This
action is to be contrasted with the
action of other states (Oregon, New
York, Massachusetts) specifically au-
thorizing P.R. municipal govern-
ments.

The Hare system of P.R., the pref-
erential ballot (single transferable
vote), is used in a certain number of
foreign cities. Of these, two cities
in Canada (Winnipeg and Calgary),
one in New Zealand (Christchurch)
and all cities in Eire (beginning with
Sligo in 1918) indicate the tendency

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in English-speaking countries to prefer the Hare system of P.R. The recent adoption of the Hare system for municipal elections in the Netherlands, where the party list P.R. system is used for other elections, shows a growing recognition of the success of the Hare system.

EIRE

The system of P.R. used in the cities discussed above has been also used in state and national governments in some instances. The application to municipal elections was taken up first because of the important American experience in that field. Most significant is the use of P.R. in Eire (Irish Free State) for all elections since 1920. First prescribed by the British Parliament and later embodied in the constitution of 1922 and again in the new constitution of 1937, the system has contributed notably to good feeling. It has given a clear verdict on public issues under the most adverse circumstances; has kept the ablest leaders of all parties almost continuously in office; has resulted in conspicuously stable government, and has been supported by nearly every prominent man in public life. It must be remembered that during the first part of this period the Free State was at times on the verge of civil war. The death of the first Prime Minister by assassination is an index of the acuteness of the political difficulties faced by the newly established republic.

The lower house of the national parliament, the Dial Eirann, is elected by districts which elect several representatives each (somewhat more per district in the city districts), the election in each district being the Hare system of P.R. The Sen was once elected by P.R. from t country at large. Subsequent electio have been carried out in smaller co stituencies. It is interesting to n that although at the beginning th were sizable minor parties in additi to the major parties, Fianna Fail a Fine Gael, the tendency through t years has been a shrinkage of t minor parties and general conform to a two-party system. Over the l quarter century Eire has been clo to the two-party system in practi than has England under the ol type of representation.

Tasmania, one of the states of t Australian Commonwealth, has us P.R. to elect all members of its leg lature since 1907. Under this pl a two-party system has operat smoothly. New South Wales, anot Australian state, used P.R. to el the lower house of its legislat from 1918 to 1926. The experier had everything to recommend it fr the point of view of the public int est, but party organization, with sires for greater control over t choice of the voters, brought ab repeal by action of the provincial l islature in a stormy campaign. P was since adopted in 1933 for in rect elections of the upper house.

The Hare system of P.R. has bc used in a number of other instan in such indirect elections, such as i the election of members of an up house by members of a lower ho or by an electoral college—in Union of South Africa, India a Denmark. This is analogous to recent proposal to use the system the United Nations for the electi

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f temporary members of the Security ouncil by the General Assembly, ›llowing an earlier proposal made in ıe League of Nations some years ago y the government of Norway. That ould provide a much more agree›le alternative to the unseemly cor›dor bargaining which now precedes ection of such members to the Se›rity Council. Indeed, in view of e power of modern legislative com›ittees, this form of P.R. might be ›sirable for the selection of such ›mmittees by national and state leglatures to assure that important comittees will be reasonably representave.

Great Britain uses the Hare sysm of P.R. to elect representatives Parliament from university con›ituencies, and the provinces of anitoba and Alberta in Canada use to elect the members of their procial legislatures from the city dis›icts of Winnipeg, Calgary and dmonton.

The party list system of P.R. which ves each party its fair share but mits the voters' choice of individual ndidates, is used in Austria, Belum, Czechoslovakia, Denmark, Finnd, France (only since 1945), Ger›any (except in the British zone), reece, Italy, the Netherlands, Noray, Sweden and Switzerland. It is so used in a few of the Latin merican countries.

The experience in these countries ›s often formed the basis of an ar›ment by American and British ›ponents of P.R. that proportional presentation is almost sure to im›ir the operation of a two-party stem wherever it may be adopted. o begin with, such an argument is flatly contradicted by much of the experience of the Hare system both in regional and in municipal elections. The argument does not stand examination, however, even on the basis of European experience with a somewhat inferior form of P.R. Thus Norway has practically as much of a two-party system as England. Sweden has recently had one party with an absolute majority, and the P.R. countries with several large parties all had the multi-party system before P.R. was adopted. There is strong evidence that the division of political opinion into three or more large sections results from economic and social tradition quite independent of the system of representation.

FRANCE

The last point is strikingly demonstrated by the experience of France. For most of the life of the Third Republic (1875-1940), France used a single-member district system of representation differing from the usual British and American systems chiefly by the provision of a second election, serving the same general purpose as the run-off election used in some Southern states of the United States following primary elections in which no candidate receives a majority. With that system France, nevertheless, has a multiplicity of political parties, in spite of the supposed tendency of the single-member district system to establish a two-party system and "party responsibility." The three elections held in France since P.R. was adopted in 1945 (to elect a constitutent assembly and later to elect the National Assembly) showed a greater concentration of votes in the three leading parties than

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had been the rule in France under the single-member district system.

The truth is that in the political conflicts in Europe both the radical and conservative segments of society which might be expected to form two fairly cohesive groups are so deeply split that the average European voter tends to oppose any scheme that would tend to force a two-party alignment. Wherever the Communists are a party of substantial size, the radical group is divided into at least two groups, for many radicals distrust a group that may at any moment take its cue for action from forces outside the country. In addition, religious affiliation has had more significance in politics in continental Europe than in the English-speaking world. Although today more or less official Roman Catholic parties have been generally superseded by independent parties in which the leadership of prominent Catholics simply attracts many Catholics as well as others, the old superstition dies hard that a good Catholic cannot be a good socialist or liberal, or vice versa. A system of four major parties or something like it seems destined to be the normal pattern in continental Europe for some years yet, whatever the method of representation.

Continental Europe seems to have turned to P.R. largely because no other system could consistently produce even approximate fairness when three or four parties of comparable size are involved in practically all parts of the country. This is apparent from the course of events that led Belgium, Switzerland and Denmark to the general use of P.R. many years ago. Indeed the European experien may lead to the inference that the may be times in the affairs of a nation when a two-party system not easily attainable and perhaps n even desirable on the terms necessa to achieve it.

In the 1850's there was a multipl party situation in America, with bo the major parties split on the slave issue and a number of new parti (such as the Free Soil party led the Van Burens) sprang up. Indee the attempt to maintain the two-pa system in the 40's and 50's, by bo groups trying to "straddle" the iss of the extension of slavery, may ha contributed to building up emotion pressures on the issues which t politicians consistently avoided, the by sharpening the ultimate conflic At such times, the people wou benefit from proportional represen tion of the factions within parti and of temporary new parties. T experience of Tasmania and E shows that P.R. would encourage t retention of or return to a two-pa system whenever a special situati demanding more parties did n exist.

Proportional representation has n proved a panacea for all the ills mankind, but in hundreds of elc tions it has proved itself a practic instrument of democracy amply ju tifying the claims of its more caref proponents. It is in fact the key true democracy in a world too co plicated to decide every question direct elections for it is the on means by which participation of the people and majority control c be made a reality in representati assemblies.

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A review of labor disputes in 1946

Why Strikes?

By Colston E. Warne

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NO year in American history has yet witnessed an outbreak of strikes comparable with that of 1946. Throughout the year, unrest spread in waves across our basic industries—through steel, autos, power, shipping, telephone, telegraph, railways, electrical equipment and trucking. No sooner did one dispute leave the front pages than another emerged to take its place. A. F. of L., C.I.O. and independent unions alike were involved. There were quiet sectors, such as the building and garment trades, but these went relatively unnoticed in the year of extreme conflict. Many of the 1946 strikes were of a peculiarly paralyzing character. Major cities came to appreciate, perhaps for the first time, the interdependence of our economy and its vulnerability to stoppages.

It was appropriate that John L. Lewis, who had launched two walkouts since September, 1945, and eight strikes in five years, should climax this year of disputes. The resultant dim-out in November and early December created a climate of opinion against Lewis sufficiently torrid to combat even the worst cold wave. Editors and radio commentators exhausted their adequate vocabularies upon Lewis' bulky figure—tirades that exceeded their previous exhortations against organized labor.

As the year ended, it could not be stated with confidence that the wave of industrial disputes was over. Lewis has already promised a return engagement April first if the adamant operators or the government will not reach a suitable agreement. Indeed, for the bulk of the industries represented on the strike roster of 1946 (and a few more added for good measure), the prospect is for renewed struggles. Forces which might build lasting industrial peace are not conspicuous. The War Labor Board has been abolished. O.P.A. has departed in substance if not in form. Skyrocketing prices have already erased the wage gains of last Spring and promise, if unchecked, to rise even further. Meanwhile employers are recording record levels of profits with little indication that they will accept without a fight a "second round of wage increases." Demands for such increases are currently being formulated.

We shall indeed be fortunate if the current sparring for position between the economists for the unions and the manufacturers does not soon give way to giant "trials by force" which will, in 1947, as in 1946, set the wage pattern after extended interruptions of production. This time, however, we may not be favored by the excellent markets which made

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the previous year one of high productivity despite intermittent disputes.

To the casual observer, the great strikes of 1946 appear the product of anti-social labor leaders who have employed war-stimulated labor organizations to extort monopoly rates of pay. Because recent strikes coincided with a period of rapidly rising prices, they were held accountable for mounting living costs. This explanation of the unprecedented sequence of conflicts is unfortunately erroneous. Price increases, even before June 30, 1946, were in major industries three and a half times as much as was necessary to offset wage advances, O.P.A. reported. No mass movement of labor could, moreover, spread through such a variety of industries and be led by such differing types of leaders, were it not based on more fundamental causes. Indeed, in each case, the rank and file of labor tended to be far more militant than union officials. Each strike was marked by remarkable unanimity of support.

CAUSES

In appraising the 1946 strikes, the following principal causes should be noted: (1) The sharp curtailment of wages of labor due to the disappearance of overtime and of the highly-rated war-time jobs. This cutback meant for many the difference between maintaining a decent living standard and scraping along on a subsistence level. Workers who had adapted their living standard to $48 a week would not willingly accept $41. (2) Workers gleaned through their union organs a clear realization of the high war-time profits netted by the major war manufacturers and were well aware that excess profits taxes had been abolished and that tax rebates were being made to permit extra reconversion costs to be met. They quite uniformly felt that industry could without hardship carry a higher hourly rate. (3) Labor had long felt the upward pressure of prices, which had commenced even before V-J day. Many of these price advances were not reflected in the published indices of the Bureau of Labor Statistics and took the form of quality deterioration and black market quotations. As O.P.A. disintegrated, labor's demands grew ever more insistent. (4) As a result of the foregoing factors, a mutual distrust emerged between labor and management which convinced many unionists that a demonstration of power was essential if labor organizations were not to be liquidated in much the same pattern as followed World War I. Suspicions were fanned by inflammatory attacks of employers upon the National Labor Relations Act and upon collective bargaining and grievance procedures. To the typical unionist, his own war effort had been a sustained one with long work weeks and much overtime. He had then waived his right to strike. Now a test of strength was deemed to be at hand, precipitated by industrialists who wanted neither substantial wage increases nor strong unions.

The role of President Truman in these disputes was not a happy one. The most sympathetic verdict which may be reached is that he was badly advised and that he had the unhappy faculty of acting decisively at the

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wrong time. His Labor-Management Conference of November, 1945, was a failure as it skirted the central issues in dispute. Consistently the government sought to permit the solution to be reached by collective bargaining between the parties; yet, in the final analysis, the crises was resolved by federal authority. The price line was to be held; yet it was repeatedly punctured. Emergency followed emergency with paralyzing regularity. First came the General Motors crisis, then steel, coal, railways, maritime, and then coal again —not to mention the dozens of less significant disputes. Each case had its pattern of fruitless negotiations, of deadlock, of government intervention and final settlement. Yet each case had its own peculiarities, as is indicated by the following cataloguing of the principal disputes.

MAJOR STRIKES OF 1946

(1) *General Motors.*—Started November 21, 1945. Lasted 113 days and involved 325,000 workers. Final settlement by application of 18½ cent formula and granting of protective clauses to the union. Company refused arbitration.

(2) *Steel.*—Started January 21, 1946. Involved 500,000 steel and aluminum workers. Settled on February 19, 1946, on President's 18½ cent terms after national paralysis.

(3) *First Coal Dispute.*—Started April 1, 1946, after break-down of negotiations. Ineffective truce on May 10. Seizure of mines and government settlement on May 29 on the 18½ cent formula plus improvement of safety conditions and grant of a health and welfare fund. Mines remained in government possession after operators failed to agree to take back the mines on these terms. Creeping paralysis of nation.

(4) *Tugboat Strike.*—New York, February 4, 1946, to February 12, 1946. Paralyzed New York. Ended by arbitration.

(5) *Telephone Dispute.*—No strike as last minute settlement was reached on March 7 giving 17.6 cent increase.

(6) *Telegraph.*—New York City. January 9, 1946—February 10, 1946. Union victory with arbitration of some disputed points.

(7) *Maritime.*—June, 1946, by C.I.O. groups; September 5 by A.F.L. unions. Second C.I.O. strike following September A.F.L. victory.

(8) *Railways.*—May 23, 1946—May 25, 1946. Settled by Steelman agreement as President addressed Congress asking punitive measures.

(9) *Truckdrivers* (New York City) September 1, 1946—October 28, 1946. Union received 31 cents an hour in settlement.

(10) *Second Coal Dispute.*—November 20, 1946—December 8, 1946. Attempt on the part of the United Mine Workers to re-open their contract. Ended after punitive injunction action had been taken by the government.

In addition to this formidable roster of disputes, mention should also be made of the extended tie-up of the electrical industry (General Electric and Westinghouse); the Pittsburgh power strike which par-

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alyzed Pittsburgh between September 24, 1946, and October 20, 1946; the T.W.A. airlines pilots' strike of October 21, 1946-November 15, 1946; the six-months' strike of Yale and Towne Company of Stamford, Connecticut, between November, 1945, and April, 1946; and the Allis-Chalmers strike in Milwaukee which has continued since April, 1946. These disputes would in a normal year seem of outstanding importance. In the 1946 picture, however, they did not assume the importance of the 10 listed above.

Out of all this conflict, a pattern emerged. The government set a bench-mark of about 18 cents an hour as the permissible increase—a pattern that was sometimes broken by fringe increases and special circumstances, as in coal. Within this range, industrialists were given assurance that their profit position would not be impaired by the pattern of price controls. O.P.A. adjustments were speeded.

This mode of settlement might have worked if the price control law had remained intact after June 30, 1946. Management, however, was not satisfied and succeeded in emasculating the O.P.A., thus increasing the area of dispute as the year progressed. Workers felt that they were being robbed of the advances that they had gained.

The impact of so many strikes during a brief period was to call forth a variety of demands, ranging from compulsory arbitration to the elimination of national collective bargaining agreements. The nation has long operated on the assumption that industrial disputes would be temporary and only occasional. Here was a situation without precedent. Major cities and major industries were hard-hit. Some solution seems essential.

In conservative circles, compulsory arbitration is frequently viewed with as much misgiving as in the ranks of labor. Fundamentally, it sets up a governmentally-determined pattern for the distribution of income. It smacks of war-time operation. Other suggestions include the revival of the injunction, compulsory cooling-off periods, the extraction of the teeth from the Wagner Act, and the extension of government control to union funds, union elections and strike votes. These suggestions likewise are fraught with difficulties. Injunctive abuses were so great in the past that great social upheavals would result if they were again undertaken. The Smith-Connally cooling-off period of 30 days has not worked. Moreover, attempts to emasculate the Wagner Act would not get at the fundamental causes of the unrest but would rather take away a powerful means of settling inter-union disputes and of making a satisfactory determination of the bargaining agent.

As one thus scans the roster of suggestions, there remains little that can be learned from our experience except that we must have both better conciliation machinery and a greater willingness of the contesting parties to reach an amicable agreement. Punitive measures against labor will not solve the issue.

The case of John L. Lewis is an instructive one. For more than a quarter of a century he has led the mine workers. He is neither a radical, nor a New Deal sympathizer. He

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is a Republican businessman bent on marketing mine labor at the highest possible figure. He wants, as any business man, a minimum of government controls to impede his actions. Behind Lewis are the stalwarts of the A. F. of L., of which he is possibly significantly thirteenth vice-president. What should be done with Lewis? Should we eliminate collective bargaining over mine wages? Should we throttle Lewis? Or what?

Lewis' tactics have, to be sure, been unconventional and, therefore, successful. When wages were frozen, it was he who brought forth the portal-to-portal issue and won it. Last year, it was Lewis who injected the issue of unionizing foremen, of compelling federal safety regulations, and of welfare funds for miners; these being supplementary to wage demands. Behind these well-chosen issues were basic grievances.

When, in November, Lewis marched forth again on the national stage, it was with a ready-made issue —the increasing cost of living. Little note was taken of the fact that Lewis, himself, was one of the few in labor circles who had favored the abolition of O.P.A. He emerged as the first to suggest the "second round" of increases, thus gaining the prestige of leadership for the United Mine Workers, which is itself to-day a thriving federation of diverse unions from many industries.

Lewis was willing to take the political risk of bringing adverse labor legislation down on the labor movement. He had taken that risk before and had found the Smith-Connally Act more of a nuisance than a real handicap. Moreover, Lewis had in his contract with the Mines Administrator an excellent legal loophole. The conflicting clauses in the contract made it most uncertain whether it was truly for the period of government operation or whether it could be re-opened on 15 days' notice.

Lewis' gamble was solidly backed by the members of his union who were feeling the full force of precipitous price decontrol. Technically, he was not calling for a strike. He was merely, in his judgment, declaring that, after notice, the old contract no longer existed.

In the fury of the subsequent events, many conservative commentators have contended that Lewis' capitulation on December seventh was the greatest triumph of the year for President Truman. The mine walkout had ended after 17 days. The United Mine Workers had been fined $3,500,000, and Lewis had received a personal $10,000 fine for contempt of court. Trains returned to normal schedule and the nation recovered from its pre-Christmas fright.

Before one glibly accepts the view that Lewis has been defeated, however, it should be realized that the mines still remain in the possession of the government and that March 31, 1947, is embarrassingly near — the date by which a new agreement must be reached. Meanwhile the upward march of prices continues, so that the terms of settlement are apt to be higher than if an earlier accord had been reached.

Moreover, the issue presented to the United States Supreme Court is still undecided. Considerable political embarrassment is bound to result

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irrespective of the verdict. If Lewis wins and no fines are paid, labor's outcry will be intense. It will be held that the government was using a clearly unlawful means of stopping a legitimate demand for contract negotiations. If the United Mine Workers lose, we shall have another Danbury Hatters case. It will be charged that the evils of the injunction are again with us. The A. F. of L. will not quickly forget the $3,500,000 fine.

Lewis' case also raises the embarrassing question as to why the government came to be operating the mines six months after the previous dispute. Is the function of government in peace-time that of resolving industrial conflicts by taking over a struck property and operating it under a long-term contract with a union?

During the war, there was a ready answer for such a question. The government set prices, wages and frequently operated plants if the national interest so required. The peace-time answer is not so clear. Once we start on the principle that any strike which might cripple the country should be settled by government seizure and compulsory arbitration, we are departing from the pattern of free bargaining. A national tribunal will set a pattern of wages which presumably will become a pattern for other industries. If a militant union, such as the miners, refuses to accept that pattern, as seems probable, we are faced with a strike not against private operators but against the authority of the government.

As one views the new Congress in its initial days, it seems unlikely that it will uncover a magic formula to make 1947 relatively free of strikes. The Republican Party, though not distinguished by its progressivism, is acutely aware of the 14 million members of organized labor. Moreover, even the members of Congress who would view with delight any measure which would curb the C.I.O. and its Political Action Committee, will find it exceedingly difficult to frame legislation which will not injure in greater measure the more cooperative A. F. of L. For example, the A. F. of L. has employed the closed shop far more frequently than the C.I.O. The A. F. of L. has far more undemocratic unionism. The A. F. of L. incorporates more restrictive practices in its contracts. The A. F. of L. has long been more beset with jurisdictional strikes.

About all one can conclude in the present beclouded setting is that, as long as inflation continues, we shall probably have a continued period of labor unrest. We may make improvements in our machinery for handling disputes but, if we are to retain a free economy, we cannot destroy labor organizations or labor's right to collective bargaining. We can only hope that adjustments can be hammered out around the table with a minimum of national paralysis. Strikes are not normally undertaken unless grievances are substantial since their costs to labor are great. Repression, whether by government, or by management, affords no solution to the strike problems with which we are beset.

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Education can help prevent delinquency

The Public School and The Delinquent

By Helen F. Faust

Counselor, Philadelphia Public Schools

THE problem of juvenile delinquency has, in the last few years, sky-rocketed into top position among the nation's social problems. We have all been deeply shocked, again and again, at appalling crimes committed by those who are no more than children.

Like many other social ills, however, the causes of delinquency are numerous and complex. There is no convenient single root which we can grasp and destroy. An insidious network of baffling problems underlies the evil. Consequently any hope of successfully combatting delinquency requires a marshalling of our best techniques of community planning and a real working cooperation between many different agencies.

It is easy for those who work with young people in city schools to see many causes for delinquency originating in home or community conditions. Sometimes we feel that if only an aroused public would demand better housing for everyone a large part of the problem would be solved. Or again, if child welfare agencies would take more children away from ignorant and irresponsible parents, perhaps some children would be "saved." And often we wish the courts would deal more severely with our truancy problems, thereby compelling parents and children to accept the education offered them. But these are emotional outbursts typical of a human tendency to transfer responsibility to shoulders other than our own.

We are fumbling with the problem of juvenile delinquency because everybody is busy blaming everybody else. Parents blame schools; schools blame parents and the courts. We all blame the war and the movie industry. No progress can be hoped for until each institution concerned with young people takes stock of its own relations to the problem and considers what improvements can be made.

The public schools are in a strategic position to contribute to a program for the prevention of delinquency. There are many measures which schools can take to locate potential delinquents and to help them solve the problems that lead to deviant behavior .

For a broad child welfare program, naturally including delinquency prevention, it is necessary to have detailed data about the number of children in the community. Such a census should include information about health, mental ability, economic background and home conditions. The schools are doing an increasingly better job of compiling such data and analyzing abilities,

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backgrounds, personality traits and physical conditions. Such material has many uses for the school and for other agencies that help fit the youth of our nation for a better way of life.

However, detailed records are worthless unless they are the basis for curriculum planning, health programs, recreational planning, broader community programs. To what extent is this being done?

There is much activity in the field of curriculum planning these days, and the presumption is that administrators are trying to fit the school program to the needs of their clientele. However, the goal of matching the needs and capacities of all pupils with appropriate courses of study is far from realization.

There is certainly an increase in emphasis on individual work with students. This is shown by the numbers of counsellors and visiting teachers added to school systems in recent years. Any work of this sort leans heavily upon all records which are available and helps to add other significant data. The addition of personnel trained in individual work with pupils helps in the broader use of information about individuals since presumably these staff members will be cooperating with teachers and with workers in outside social and health agencies.

The appalling number of physical defects discovered by the army in draftees has stimulated the schools to give more complete medical examinations and to use these records for more rigorous follow-up work. The latter is still difficult and will continue to be until correctional work is done within the school building or in closer cooperation with public clinics.

Studies of delinquency indicate that the rate of delinquency increases with the concentration of population and in areas of cultural conflict. The location of these areas in any city is apparent. To comply with compulsory attendance laws, the schools have their own census to guide them. If educational planning includes delinquency prevention as an objective it seems clear that special consideration must be given to tension areas. Classes ought to be much smaller than the average. Teachers ought to be carefully selected and trained. Medical and counselling services should be greater. Play facilities should be more adequate. Parent education programs need to be carefully planned and publicized. School principals should be selected who are willing to take a leading part in the life of a community which may desperately need leadership. Such an educational program would off-set to some extent the living conditions in many underprivileged areas.

There is only one objection to such a program and that is—cost. Undoubtedly it is an expensive program. But crime is even more expensive! Under present financing plans, this special consideration to underprivileged areas might operate to penalize schools in better neighborhoods. For example, lowering class size to 15 or 18 in one area is likely to mean, under present administrative plans, that classes in another area might reach 50 or more. It is manifestly unfair to penalize teachers and children in a more privileged area. Actually, all improvements which are so

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urgently needed for particular areas are very much to be desired for all types of schools. It seems a safe assumption that the public would support any legislation that might be needed to change the financial framework of the public schools to meet the needs of all groups. About two years ago, the American Federation of Labor in national convention recommended that no class in the public school should exceed 20 pupils.

The function of a school in a congested area is different from that of one in a so-called "good, middle-class neighborhood." Perhaps that fact has not been generally accepted. The former school must inevitably tackle more problems in the development of the whole child than the school in a neighborhood where Johnny goes to the doctor at the first sneeze, sees his dentist regularly and has the most thoughtful parental supervision. This is not a claim that problem children do not occur in good neighborhoods, for we have recently had a tragic example to the contrary. Nor is it meant to suggest that facilities for discovering and helping badly adjusted children are not necessary in all schools. On the whole, however, teachers, counsellors and principals need not only more patience, but more specialized skills in working with children whose economic and social advantages have been sharply limited. We must beware of underestimating the difficulty of doing this sort of job well.

Another group from which delinquents may come is the mentally handicapped. Some children learn more slowly than others in their age group. Others are limited in their capacities and cannot achieve more than lower grade standards. According to our present policies, however, these children move along to the tenth grade with their age group even though they may not be able to do the skills normally required in the third or fourth grade. This procedure is based on the theory that it is a discouraging experience for a child to be out of his age group. It is expected that the teachers in every grade will individualize their instruction to take care of a wide range of achievement levels.

GRADING SYSTEM

This policy is completely impractical. Many children reach the ninth and tenth grades in a bewildered state, hopelessly incompetent to do any sort of work now offered in those grades. The teachers who meet these children are equally bewildered, for teachers in the secondary schools have been trained to teach subject matter in literature, science, history and mathematics. For both teachers and pupils the experience is frustrating, and for the pupils, the frustration usually leads to truancy. This truancy, in itself, may be nothing more than a very rational rebellion against an inadequate educational program. What can a boy, who reads like a seven- or eight-year-old, do with an assignment on the "intellectul revolution" or the English ballad? But when a child is truant, he must be physically somewhere. He may be using his lunch money for the movies. He may be working at some illegal occupation. He may be with a gang in some unwholesome center.

The story of Jimmy illustrates

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what sometimes happens. Jimmy's parents came from the South during the war years and both found jobs. On arrival, without any records from the southern school, Jimmy was placed in the seventh grade. A few months later he was promoted *on age* to the ninth grade and, within a year, to the tenth or the first grade in a senior high school. It was immediately apparent that Jimmy was really illiterate. Yet he carried a high school program of English, general mathematics, biology and shop, and was assigned to as many as six different classrooms in a day with fairly complex routines to follow. For the first few weeks Jimmy's attendance was good although he was not always where he was supposed to be. He was extremely neat and clean, polite and rather gentle in his manner. He was simply not up to the situation presented by even the most modified course in a senior high school. Nothing could be done about changing Jimmy's school until a psychological examination should confirm the patent fact of his illiteracy. Limited service delayed an examination for a few months during which Jimmy's truancies were increasing. On one of his absences he had been picked up by the police as a suspect in a purse-snatching case. He had been held in the House of Detention for a day or two and released because of insufficient evidence. Jimmy steadily insisted on his innocence. His story was credible for several reasons. He seemed amiable at all times in his relations with teachers and pupils. He had plenty of money and nice clothes. He seemed too slow-moving and dull to have planned the theft.

Finally the psychological examination was given. The results confirmed the observation that Jimmy's academic ability was so limited that nothing but a special class for retarded children was practicable. While efforts were being made to secure the parents' consent for this move, Jimmy became 16. The parents rejected the idea of a special school and chose instead to send the boy to work. He found a job rather promptly in a big industrial plant but did not keep it for long. He was later involved in other petty crimes and has now been placed in a correctional institution.

Jimmy has cost the community a lot of money to date. It is doubtful if the cost of facilities for examining Jimmy before any school assignment was made and for an adequate training program would be as high. Surely the returns from the investment would have been far greater.

There is another area in which schools might be more helpful in facilitating the adjustment of youth to the adult world and that is in the transition from school to job. We recognize now the importance of work experience in the education of a young person, but we do too little to relate school and work: Help in finding a part-time job or the first job after leaving school with counselling for the problems involved in this change can minimize maladjustments. Perhaps this function belongs to the State Employment Services in cooperation with the schools. This agency has not yet to any extent operated special services for youth although the idea of doing so has been an accepted part of its theory. If

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the schools cannot finance this task, they must at least exert pressure on the employment services to plan adequately for youth.

The introduction of more education for the development of character, personality and emotional stability is an imperative in any plan which hopes to lessen delinquency. This training might perhaps be classified under the term "mental hygiene," although that is not a fully adequate description. The need for such personality education has grown rapidly in our increasingly complex society. A generation ago, the prime influences on our children were the home, the school and, with many, the church. Today these institutions have surrendered much of their power to the radio, the movies and the comics. Radio and movies are largely focused on adult experiences which unquestionably stimulate the superficial "wiseness" of youth without providing any depth of understanding. Adolescence, a turbulent period at best, seems to be shortened and intensified by the impact of these various stimuli. We cannot eliminate these influences, but we must surely hope to improve their quality. Meanwhile the existence of this mass of stimulating experience challenges us to help our children develop sound standards of judgment and the desire for right thinking and right action. This task is an enormous one in a period so confusing that adults tend to judge most issues by a short sighted, self interest formula.

Two additional areas must be more fully explored by the public schools and these may be the means of introducing some of the necessary character and personality training. These areas are parent education and education for leisure time activity. Both functions will require the larger use of school buildings. Most schools today lock their doors at the end of the regular schedule of classes although a small percentage reopen for a couple of hours in the evening. Almost all of them are closed completely during the vacation periods. There are some good reasons for this, but there would seem to be better reasons for extending the use of school facilities. There have been some exciting experiments in both parent education and recreational programs. The difficulties involved in both have been discouraging, but no advance, be it social or technical, comes easily. Surely educators in their social experiments will equal the faith and perseverance of scientists in their laboratories.

In the last generation schools have grown tremendously, facing the enormous problems inevitable in such rapid growth. Significant changes have been made in planning and operation to help schools meet the needs of all youth. That these changes lag behind our needs is not surprising when we consider the highly dynamic society in which we have been living. The further changes which our present situation demands include many measures which will be potent in the prevention of juvenile delinquency and in the solution of other social problems. These changes necessarily require a greater investment of funds and concern for public education—an investment which will bring greater returns in the improvement of our social welfare.

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S.C.A.P. aids the new unions

Japan's Labor Unions

By Mark Starr

Educational Director, International Ladies' Garment Workers' Union

OF THE many vivid contrasts in post-surrender Japan none stands out so sharply as my first trade union convention in September, 1946, near Yokohama. Two hundred delegates from 55 locals of shipbuilding workers were in session to discuss their new constitution. They squatted in a semi-circle at low tables supplied with tea cups and ashtrays in a large room of a Buddhist temple. Ancient prayer drums and gongs summoned them to their sessions. An elaborately carved towering shrine made the background of the official photo. Priests with shaved heads passed through the corridors on their way to prayer and meditation. The old temples, bereft of government subsidy, were being opened to the new Japan, personified in these active trade union members who hotly debated line on line the proposed structure of their union. Their general principles included:

1. The task rests with us of creating a new Japan, democratic and peaceful enough to be recognized by the world. We expect to develop a mighty labor movement with the power of voluntary combination well displayed.
2. We expect to win our aims based on the fundamental human rights, such as respect of human character, improvement of labor conditions and security of the right to live, so as to promote the status of the working classes.

Their immediate aims were listed:

1. Security of collective bargaining.
2. Participation of the employees in the management.
3. Establishment of the minimum wage system based on living expenses.
4. Security of the right to work and rest, and establishment of the 7 hours working system.
5. Establishment of the unemployment protection system.
6. Resolute opposition to the unreasonable dismissal on the plea of reparations.
7. Opposition to the rationalization of the enterprise at the sacrifice on the part of the workers.
8. Opening of the cultural and educational institutions to the workers.
9. Consolidation of the domestic labor front and participation in the World League of Labor Unions.

Zensen, to use the abbreviated title of the shipbuilding union, was independent of both general labor federations (Sodomei and Sanbetsu) and was opposed to Communist Party caucus control. Its radical aims were repeated in many other new union constitutions.

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But unions are not new to Japan. What is new is their legal status and government recognition. These have played a big role in the ten-fold increase of organized workers approaching 40 per cent of the total industrial workers.

The English supplement of *Social Reform,* covering the ten years 1926—1936, confirms for the student the impression given by Katayama's *Labor Movement in Japan.* This earlier book showed a continuing emergence of new short-lived unions and new political parties ever splitting, reuniting and splitting again. Apparently, every ideological shift in Europe (Socialist, Anarchist, Syndicalist, Communist) found its echo in Japanese labor groups. But, of course, the echo was a small one and was heard only in the large towns.

One interesting parallel was the spread of workers' education in its peak years of 1921—1925. *Social Reform,* May, 1929, devoted a special issue to the development of Japanese workers' education which showed strong parallels to what was happening in the United States both in the development of residential and non-residential classes.

In 1936, 23 members from working-class parties were elected to the Diet. Ominously, in 1937 after the Manchuria incident, "National Socialism" appeared. Even a few of the Social-Democratic leaders began to talk of national security and the right of the Japanese to live. Some of these Social-Democratic leaders tried to use the Mikado and the better features of his feudal rule against the new dominant middle class. But here again the splits and divisions in the ranks of labor are baffling to the casual reader. The militarist group found it easy to crush the unions, imprison their leaders and replace them by a patriotic labor front patterned on the German Nazi model.

The peak year of trade union strength was 1936 when 973 unions claimed a membership of 420,589, estimated to be 6.9 percent of the total wage workers. The Tenant Farmers' Union's membership was estimated to be over 200,000 in 1939. By 1940 union membership had fallen to 184,804 members in 428 unions. In this year the unions were suppressed and replaced by the Japanese Patriotic Industrial Society (Sampo) for which, in June, 1945, the government officials claimed a membership of over five million.

Establishing Sampo in November, 1940, Kanemitsu, Minister of Welfare, declared:

> "In Sampo all the trouble between labor and capital has been swept away and they have been united under the banner of loyalty to the Throne."

Sampo "took over" all the funds of the trade unions. The workers were ordered to join the "cooperative body" in each plant and obey the plant manager. Many of the trade union and political leaders were jailed and, if they showed "active resistance to the efforts of the prison authorities to convert them," were consigned to concentration camps when their prison sentences had been served.

This policy was completely reversed by the terms of surrender accepted in August, 1945. General Douglas MacArthur's directive instructed the Japanese government to

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encourage genuine unions. Article 26 of the new Constitution says "the right of workers to organize and to bargain and act collectively is guaranteed." The Trade Union Bill implemented this article. A later bill set up agencies for the adjustment of labor disputes, and the Labor Standards Bill (now being formulated by a committee) will create the necessary protection against exploitation, particularly of women and children.

With unprecedented rapidity, the Japanese unions seized the opportunity. The table below shows that nearly four million workers became organized.

In the mass of small unions, there are tremendous varieties ranging from company unions to revolutionary societies which are more concerned with overturning the cabinet than in formulating wage rates. As might be expected, plants employing 1000 men and over have more union members and fewer unions. The greatest union center is Tokyo Prefecture. While manufacturing contributes the largest bulk of members, transport and communication has the highest percentage of workers organized. Reports of the numerous current strikes show that many of the unions have not yet settled down and are working out internal problems.

Two big federations include most of the unions although a large number remain independent. The General Federation of Labor Unions (Zen-Nippon Rodokumiai Sodomei) has 37 affiliates with 1,067,899 members (April, 1946, figures). In addition to regional federations, Sodomei includes the national federations of the miners, textile and tobacco workers and one group of communications and transport unions.

The National Congress of Industrial Unions (Zenokoku Sangyo-Betsu Kumiai Togi) lists 21 affiliated federations and a membership of 1,467,169. In Sanbetsu (its shortened title), communications and transport workers are prominent. The Education Workers' Union claims 117,000 members. Both Sodomei and Sanbetsu list "preparatory committees" such as the latter's "Preparatory Committee for All-Japan Machinery Workers' Union" (156,000 members), which indicates that the union has not yet had time to establish itself formally.

DEMANDS

Wages and standards of living have been notoriously low in Japan. In pre-war days, workers received $2.00 to $3.00 for a week of 60 to 70 hours. Japan was well described as a beehive in which the workers slaved but never shared the honey. Wage schedules are exceedingly complicted because age, sex, marital status, number of children, length of employment, various bonus payments for diligence, allowances for cost of living, withholding for taxes and for compulsory saving and other items affect the total. Women usually get about half men's wages. Wages are paid and reckoned by the month.

In Tokyo members of the Nissan union, producing auto trucks, reported to us that since the start of the union in February, 1945, it had secured the following benefits: 1) 300 yen family allowance; 2) a food committee to distribute to the employees "real" goods (to supple-

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LABOR UNIONS IN JAPAN

July 1, 1946

Industry	*Unions*	*Male*	*Female*	*TOTAL*
AGRICULTURE	191	27,424	6,094	33,518
MARINE PRODUCTS	31	17,786	1,401	19,187
MINING	734	300,931	62,059	362,990
Metal	182	45,667	11,275	56,942
Coal	476	243,748	48,297	292,045
Other	76	11,516	2,487	14,003
MANUFACTURING	6,552	1,327,286	434,561	1,761,847
Metallurgy	779	157,461	28,110	185,571
Machines & Tools	2,052	535,321	111,535	646,856
Chemicals	929	167,496	63,992	231,488
Gas, Electricity & Water Supply	344	113,552	15,313	128,865
Ceramics	242	32,046	10,673	42,737
Textiles	580	56,468	144,046	200,514
Lumber & Woodworking	638	56,588	18,667	75,255
Foodstuffs	318	30,702	17,636	48,338
Printing & Binding	108	14,570	9,049	23,619
Civil Engineering & Construction	411	149,996	8,954	158,950
Other	151	13,086	6,586	19,672
TRANSPORTATION & COMMUNICATION	2,399	771,957	175,453	947,410
Railroad & Tramways	535	427,172	72,139	499,311
Water (Inland)	45	12,296	1,106	13,402
Other	890	191,379	30,106	221,485
Communication	929	141,110	72,102	213,212
COMMERCE	656	97,556	55,282	152,838
TEACHING & LIBERAL PROFESSIONS	1,582	239,846	158,739	398,585
Public Service	625	84,867	34,106	118,973
Teachers	716	133,565	111,972	245,537
Other	241	21,414	12,661	34,075
OTHER	179	59,532	9,715	69,247
TOTAL	12,324	2,842,318	903,304	3,745,622

SOURCE: Ministry of Health and Welfare, based on information received up to August 20, 1946.

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ment cash wages); 3) four holidays a month in order that the members could go and collect food privately.

In the Kyushu mining area, we found that the miners had put forward 31 demands, some of which were utopian. For example, they wished only their basic wage to be taxed. They wanted an extra allowance for families and wished also to compel the employer to buy more food on the black market to supplement the extra rations which they were already receiving. The 29,000 members involved in the dispute returned to work when the military government officials threatened to withdraw their extra rice. The normal allowance at the time was 900 calories per person. The miners received 2700 in recognition of the strenuous nature of their daily work.

The unions need higher wages to meet inflation. Many workers get 300 yen a month when 1000 is necessary to live in decency. They are beginning to think in terms of a seven-hour day as championed by the most advanced union of the press and radio workers. They insist that no workers be dismissed from government services unless alternative employment is found. They insist on public works to absorb the unemployed, now estimated to be about five million.

The Japanese unions have developed the "production control strike" which means that the top management is excluded from the plants or its orders are disregarded or obeyed only when approved by union representatives. In some cases, the business is carried on more profitably under the production control strike, and, as the accounts are rigidly and carefully kept, this has meant a greater profit to be handed to the management at the end of the dispute. However, in some instances, the allegation is made that unions have used their occupation of the plants to dispose of the machines and some of the raw materials.

Japanese unions include supervisors and technical workers and are thus able to employ such a tactic. In some instances, union officers are on the company payroll, and the union office is part of the plant so that a strike in the American use of the term would mean the disruption of the union. Hence, why should the union officers forego their salary or lose their office? Sometimes the union not only has its office in the plant building but uses the employer's telephone, and the employer provides the paper for its journal.

In the United States, the law of trespass, the absence of unionized technical supervisors, and the problems of getting raw materials and controlling the distribution of the finished product would make it impossible to carry out such an operation as a "production control" strike. Of course, the difficulties of securing raw material and of distribution would eventually arise in Japan, but so far the disputes have been settled before such an eventuality.

The government is discussing a law to prohibit such strikes. The Social-Democratic Party and the Communists, however, are opposed to this, and the American military government so far has taken no sides in the dispute.

One striking difference between

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Japanese and American unions is the youth and the inexperience of both the members and the leaders. For example, in the National Council, which was dealing with the railroad crisis of early September, only one leader, Shigemuri, of its 15 members, had been a union member before the war. One of the difficulties in that railroad crisis was that, in wartime, youths of 18 to 19 years became locomotive engineers and refused to be displaced in the reduction of staff now alleged to be necessary by the management of the government railroads.

In a meeting organized by the Central Labor College in Tokyo, I had the opportunity of meeting members of the Diet and the House of Peers, trade union leaders of every variety —left, right and center—professors and government administrative chiefs. The employers agreed that S.C.A.P. (Supreme Commander of Allied Powers) had developed unionism and had a good and sympathetic personnel. However, they thought that the unions were lacking trained and experienced leaders.

Ii, a leader of the railroad unions, said there was danger that opinion was shifting from a great respect for S.C.A.P. to a fear of possible reaction. The May Day food demonstration had produced restrictions upon the right of demonstration. S.C.A.P. should be more "left" because the people after the surrender hated the employers and the capitalists.

Ito, of the Sanbetsu and the Communist Party, also noted changes for the worse in S.C.A.P. and protested against the regulation asking for 48 hours' notice for a demonstration and then only at fixed hours. Workers were disillusioned about the Trade Union Act because the fine upon the employers for non-compliance was only 500 yen. (In discussion, it was pointed out that the Labor Act could be much better operated than at present by making the National Labor Relations Committee more effective.)

Nishio, leader in Sodomei and a member of the Diet, said that the unions were grateful to S.C.A.P. for its help. Order had been maintained in the country and the people enjoyed more freedom than ever before. He used the metaphor of a bird newly released from its cage, trying to reach the sky. He recognized that the responsibility of making the policy work lay with the Japanese leaders.

Other leaders also insisted that Japan was indebted to S.C.A.P. for the end of boss rule. The Japanese workers and the Japanese people were, however, unprepared for the gift of freedom. They were too prone to resort to strikes instead of negotiation. They needed education in practical trade unionism.

Yoshitake, assistant to Welfare Minister Kawai, said that S.C.A.P. had greatly helped the trade unions in hastening development along sound, healthy lines.

The efforts of the Labor Division of the Economic and Scientific Section of S.C.A.P. to aid the unions by individual and public conferences, by meetings, study outlines, the work of the Japanese unions themselves to train their members for the responsibilities and rights of unionism are important signs of progress in the new Japan in which the unions will play an important role.

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"Stand Aside, Mr. Bilbo!"

THE Senate of the Eightieth Congress opened with an issue that left temporary control with a rump Democratic minority and sharpened regional and political conflicts: whether or not to seat Senator-elect Theodore G. Bilbo of Mississippi. Bilbo had been accused on two counts: his advocacy of forcible prevention of Negroes from voting; and personal fraud and corruption in connection with war contracts and campaign funds.

Although many Southern Senators were rumored to be agreeable to expelling Bilbo for fraud, the "solid South" was prepared to show its unity on the race question. In the course of the abortive filibuster on January 4, dialogue between Mr. Ellender of Louisiana and Mr. Eastland of Mississippi made this clear. Speaking of refusing to register voting applicants, Mr. Eastland asked Mr. Ellender:

Mr. EASTLAND. They were turned down simply because they were not qualified electors; is that not true?

Mr. ELLENDER. That was the testimony, I would say, of the registrar; but quite a few questions were asked which were probably beyond the purview of the Mississippi law. As a matter of fact, some registrars stated—at least one that I remember in particular—that he made it a little hard for the colored people to register.

Mr. EASTLAND. That was an isolated instance.

Mr. ELLENDER. Yes; that was one instance. He said that that practice had been in effect in the State of Mississippi for many years. I do not have to tell the distinguished junior Senator from Mississippi that since the State of Mississippi got rid of the carpetbaggers in the old days the white citizens there drafted a new constitution in 1890, or amended the existing constitution, so as to have control in that State of its political destiny.

Mr. EASTLAND. I should like to say to the Senator right there that what the Senator said is absolutely true.

Mr. ELLENDER. It is true of every Southern State.

Mr. EASTLAND. And we are going to see that it remains true; we are going to maintain that situation.

Mr. ELLENDER. I believe other Southern States are going to follow the same pattern.

Mr. EASTLAND. We are going to maintain that situation against all enemies, both domestic and foreign.

Mr. ELLENDER. Yes. Every effort is now being made to do so. The situation has been maintained in the past. I am very hopeful that at some time in the near future we can have a more enlightened citizenry which will be qualified to vote. But it will take a considerable time to educate many individuals in Mississippi. Just stop to think of the conditions which exist in some counties I have mentioned, where the colored population tops the white population in some instances by more than three to one. If the colored people were to be permitted to vote in those counties it would mean——

Mr. EASTLAND. Racial domination in those counties.

Mr. ELLENDER. There is abso-

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lutely no question about that. That is something which the South has been fighting against, as I have said, since carpetbag days, and I presume the South will continue in its efforts against such domination.

Mr. EASTLAND. The Senator from Louisiana realizes that the mental level of those people renders them incapable of suffrage.

To the charge of race discrimination, the South countered with the doctrine of states rights: to the charge of fraud they reiterated the constitutional issue in doubt: whether Bilbo should be stopped at the door (by majority vote) or tried later (with a two-thirds vote necessary for expulsion). There was historic precedent for either move.

While the previously-elected Senators debated, the newly-elected waited. By an alphabetical accident, Bilbo was second to be called for his oath. Only the lucky Mr. Raymond E. Baldwin of Connecticut took his seat before the debate began.

It should be noted that Democratic Senator Taylor of Idaho opened the attack on Bilbo; that among his staunchest supporters were Senators Overton and Ellender of Louisiana, Eastland of Mississippi, Thomas of Oklahoma—all Democrats. [1]

THE RECORD ON MR. BILBO

THE SENATE ASSEMBLES

The 3d day of January being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Eightieth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

Leslie L. Biffle, of Arkansas, the Secretary, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. Frederick Brown Harris, D. D., of the city of Washington, offered the following prayer:

Lord of the nations and of the passing years, summoned as servants of the people, we come in a crucial and creative day. First of all, we would bow our hearts in reverential silence in Thy searching presence, unto whom all hearts are open and from whom no secrets are hid. With burning issues affecting the very life of this dear land of hope and freedom and touching, too, the weal of the whole world, waiting to command our every power, with the expectant eyes of a cloud of witnesses upon this Chamber gazing from the invisible galleries of the past and the present, in this hallowed moment at the very top of the clean, white page of these national deliberations, we would write, "In the beginning, God," conscious, in very truth, that until we find Thee and art found of Thee, we begin at no beginning and come to no ending.

Grant to Thy servants here, to whom a great trust is committed, faith that dissolves all corroding cynicism, courage that scorns all compromise of principle, toil that refuses anything lower than one's best, as, on this solemn day, by high values and noble ideals, the course of the Congress is set.

[1] Congressional Record, Vol. 93, No. 1, pp. 1-31; No. 2, pp. 65-109.

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We ask it in the name and for the sake of Him in whose face the final truth and beauty burns to birth and who taught us when we pray to say—let us all join together in the Lord's Prayer:

Our Father, Who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, for ever and ever.

Amen.

CREDENTIALS

The *Secretary*. The Chair will ask the clerk to read a statement.

The Chief Clerk (John C. Crockett) read as follows:

The present occupant of the chair, which he takes under direction of rule I, paragraph 2, lays before the Senate the credentials of the various Senators elected in November last for full and unexpired terms, including those of certain Senators elected and appointed for unexpired terms which ended at 12 o'clock noon today.

The above credentials, in most instances, follow the form suggested by the Senate in its resolution of January 4, 1934, and if there be no objection they will be placed on file and printed in the *Record* without reading.

Mr. FERGUSON. Mr. Secretary, I have no objection to the filing of the credentials, but I should like to make a motion.

The *Secretary*. If the Senator from Michigan will permit, the Chair will inquire if there is objection to the order which has been read.

There being no objection, the credentials of the respective Senators-elect were received, ordered to be placed on file, and to be printed in the *Record*.

TO AVOID CALLING BILBO

Mr. FERGUSON obtained the floor.

The Secretary. Will the Senator from Michigan permit the Chair to have another statement read?

Mr. FERGUSON. Certainly.

The Secretary. The clerk will read.

The Chief Clerk read as follows:

The rules of the Senate provide no order of business for the opening day of the first session of a Congress. However, under the practice which has been followed for a long period of years, the next order of business will be the administration of the oath of office to the various Senators-elect, in groups of four, called in alphabetical order.

Mr. FERGUSON. Mr. Secretary, I object to that method of swearing in the Senators-elect, and I now move that the oath be administered to the able Senator-elect from Michigan, ARTHUR H. VANDENBERG, whose credentials, in the usual form, have been received and filed.

Mr. OVERTON. Mr. Secretary, if the Senator from Michigan will yield, may I ask him what purpose he has in departing from the traditional custom of the Senate?

Mr. FERGUSON. The purpose is to have Senator-elect ARTHUR H. VANDENBERG sworn in as the first Senator to take the oath at the beginning of the Eightieth Congress.

NORMAL PROCEDURE

Mr. BARKLEY. Mr. Secretary, will the Senator from Michigan yield to me?

Mr. FERGUSON. I yield to the minority leader.

Mr. BARKLEY. There seems to be some confusion, naturally so, among Senators, and to a greater extent among the public generally with re-

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spect to the method of swearing in Senators. From time immemorial it has been customary to call Senators-elect in alphabetical order in groups of four, but there is no rule on the subject; it has been a custom only. I recall a few years ago when Vice-President Dawes required all 32 new Senators to stand up in a body and to be sworn at one time. He did it, I suppose, by unanimous consent or by order of the Chair in the absence of a rule.

Under the circumstances, the Senate has the parliamentary right to adopt any method that it may see fit in determining the order in which Senators shall be sworn in, and, in the absence of a rule, any Senator who is recognized can move that any Senator-elect be sworn in regardless of where his name would appear on the list. Therefore, the motion of the Senator from Michigan is in order, and, in the absence of a rule, and in spite of the custom which has prevailed merely by unanimous consent, any other Senator can arise and, if he is recognized, move that any Senator-elect be sworn in.

I felt that explanation ought to be made because we have proceeded from time immemorial by swearing in Senators-elect in groups of four in alphabetical order, but there is no rule on the subject in the Senate rules, and there is no rule which would prevent us from adopting any other method which we might see fit to adopt as to the order in which Senators-elect might be sworn in.

Mr. FERGUSON. Mr. Secretary, I have made objection to swearing in Senators in groups of four in alphabetical order. I have no particular desire at the present moment to press the matter of swearing in the able Senator-elect from Michigan, except that I think in the administration of the oath the Senate should in each case adopt the same method, and that it should be on motion.

So I enter my objection to the swearing in of the new Senators in groups of four, and I withdraw the motion to swear in Senator-elect ARTHUR H. VANDENBERG at this moment, in order that we may ascertain whether we cannot adopt a method of swearing in the respective Senators.

Mr. WILEY. Mr. Secretary, I present to the Senate the name of JOSEPH R. MCCARTHY, recently elected Senator from the State of Wisconsin, and move that he be sworn in.

Mr. TAFT. Will the Senator from Wisconsin withhold his motion for a moment?

Mr. WILEY. I withhold it.

Mr. TAFT. I wish to propound a parliamentary inquiry. If the order of recognition is left to the discretion of the Chair, will he recognize the sponsors of the various Senators in the alphabetical order of the names of the Senators-elect? If so, it is unnecessary that any other method be adopted.

The *Secretary*. If it is left to the discretion of the Chair, the Chair will ask the clerk to call the names of the Senators-elect in alphabetical order.

Mr. TAFT. Then the first name to be called will be that of the Senator-elect from Connecticut, Mr. BALDWIN, I take it.

The *Secretary*. The Senator is correct.

Mr. BARKLEY. That is to say, they would be called one at a time, and not in groups?

Mr. TAFT. That is correct.

The *Secretary*. One at a time. Does

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the Senator from Wisconsin withdraw his motion?

Mr. WILEY. In accordance with the statement of the present majority leader, the senior Senator from Kentucky [Mr. BARKLEY], as to the right of any Senator, since there is no rule on the subject, to present his new colleague and request that he be sworn in, I have made such a motion. I think we should proceed in that manner, the Chair having recognized me for that purpose.

However, following the suggestion of the Senator from Ohio, I shall withdraw the motion, though I think it is the proper way to proceed, and the best way to reach results.

PROCEDURE ADOPTED

Mr. McMAHON. Mr. Secretary, I gather, then, that the ruling of the present presiding officer affects the incoming Senator from Connecticut. Do I understand the ruling of the Secretary to be to the effect that it will now be proper for the Senator from Connecticut to escort the Senator-elect from Connecticut to the desk for the purpose of having the oath administered to him?

The *Secretary*. The Chair will request the clerk to call the first name on the list of Senators-elect.

The Chief Clerk called the name of RAYMOND E. BALDWIN, of Connecticut, and Mr. BALDWIN, escorted by Mr. MCMAHON, advanced to the desk, and the oath of office prescribed by law was administered to him by the Secretary.

The Secretary. The clerk will call the second name on the list.

The Chief Clerk called the name of Theodore G. Bilbo, of Mississippi.

ATTACK ON BILBO

Mr. TAYLOR. Mr. Secretary, I send to the desk a resolution, to which I wish to address myself.

Mr. OVERTON. Mr. Secretary, as soon as the resolution is read, I desire to object to its consideration at the present moment.

The *Secretary*. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 1), as follows:

Whereas the Special Committee To Investigate Senatorial Campaign Expenditures, 1946, has conducted an investigation into the senatorial election in Mississippi in 1946, which investigation indicates that THEODORE G. BILBO may be guilty of violating the Constitution of the United States, the statutes of the United States, and his oath of office as a Senator of the United States in that he is alleged to have conspired to prevent citizens of the United States from exercising their constitutional rights to participate in the said election; and that he is alleged to have committed violations of Public Law 252, Seventy-sixth Congress, commonly known as the Hatch Act; and

Whereas the Special Committee To Investigate the National Defense Program has completed an inquiry into certain transactions between THEODORE G. BILBO and various war contractors and has found officially that the said BILBO "in return for the aid he had given certain war contractors and others before Federal departments, solicited and received political contributions, accepted personal compensation, gifts, and services, and solicited and accepted substantial amounts of money for a personal charity administered solely by him" * * * and * * * "that by these transactions Senator BILBO misused his high office and violated certain Federal statutes"; and

Whereas the evidence adduced before the said committees indicates that the credentials for a seat in the Senate presented by the said THEODORE G. BILBO are tainted with fraud and corruption; and

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iat the seating of the said BILBO would ›e contrary to sound public policy, harmul to the dignity and honor of the Sente, dangerous to the perpetuation of free Government and the preservation of our onstitutional liberties: Now, therefore, ›e it

Resolved, That the claim of the said THEODORE G. BILBO to a seat in the Jnited States Senate is hereby referred to he Committee on Rules and Administraion with instructions to grant such further ıearing to the said THEODORE G. BILBO ›n the matters adduced before the Spe-ıal Committee To Investigate Senatorial Campaign Expenditures, 1946, and the ›pecial Committee To Investigate the Naıonal Defense Program and to take such urther evidence as shall be proper in the ›remises, and to report to the Senate at he earliest possible date; that until the oming in of the report of said committee, and until the final action of the Sen-te thereon, the said THEODORE G. BILBO ›e, and he is hereby, denied a seat in the Jnited States Senate.

THE RACE ISSUE

Mr. TAYLOR. Mr. Secretary, I wish to address myself to the resoluion. I present it with a deep sense of its gravity and solemnity. While the Constitution gives to the Senate the power to pass upon the qualifications of its own Members, that power should be sparingly used. The people of each State have the right to choose their own representatives in Congress, and it would be extremely unwise for this body to set itself up as a self-righteous arbiter of the personality, the politics, or the morals of men who have been duly elected to office. I did not embark upon this course lightly but only after many weeks of deliberation and reflection. But it now appears that in rejecting Mr. BILBO we are merely rejecting a candidate until his election is proved to be the fair expression of the free will of those people.

If the people of Mississippi or any other State wish to elect to the Senate a man who advocates any belief extreme to the point of outraging great numbers of our citizens that is their own business. They are perfectly free to do so and their representative is free to express their views in the Senate.

But intimidation and violence cannot masquerade as free speech; indeed they destroy the freedom of the electorate.

Mr. Secretary, on July 26, 1946, I called to the attention of the Senate the inflammatory nature of the speeches which were being made in the Mississippi primary campaign by Senator BILBO. I read into the RECORD a United Press report which appeared in the New York Times of Sunday, June 23, which reported that Senator BILBO had incited people in his State to use "any means" to prevent qualified voters from exercising their right to vote for candidates for the United States Senate. I urged immediate investigation since the elections at that time were only 2 weeks off.

On July 1, 1946, I appeared by invitation before the Committee on Privileges and Elections and presented a brief citing the relevant provisions of the Constitution and statutes of the United States, and suggesting Senate action to prevent their violation in Mississippi. I urged the committee to conduct immediate field investigations in the State of Mississippi to collect evidence while it was still fresh. The committee referred my request to the Committee on Campaign Expenditures, which has since conducted field hearings, and has prepared two reports.

I am confident that all my colleagues are by this time informed of the nature of the charges against Mr. BILBO.

I am sure, too, that they are fully

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aware of the great interest which the country has shown in this case. Throughout the country citizens are watching today to see what action the Senate will take in this pressing matter.

Mr. Secretary, I do not exaggerate when I say that at this moment the honor and prestige of the Senate hang in the balance.

In short, Mr. Secretary, today it is not only Mr. BILBO who is on trial. Today it is the Senate itself which is on trial.

Our duty is made all the more plain because we were served with advance warning of Mr. BILBO's intention to subvert the electoral process. If we are to lend credence to reports appearing in the press at the time, he repeatedly declared his intent to keep qualified voters away from the polls.

While pondering the course of action I would take in this case, I read the debates of the Senate in the Vare and Smith cases. In reading the Smith debates which took place almost two decades ago, I was particularly impressed with the brilliant, statesmanlike and thoughtful words of the able constitutional lawyer who is now the senior Senator from Georgia [Mr. GEORGE].

At the time, the proponents of the candidate Smith tried to threaten the able and courageous Senators from the South with the possibility of retaliation if they voted against his seating. The able Senator replied in words which are worth repeating, because I feel that they still represent the sentiment of the best minds of the South. I quote:

> The doctrine has here been invoked that, perchance some southern States have discriminated in their primary or election laws against a certain class or our citizens, that in some way we on this side of the aisle are estopped, especially those of us from the Southern States, to raise any question touching the qualification, election, or returns of any man who comes here from any State.
>
> I have no desire to get into two controversies at once, but that argument has about as much logic in it, of common sense in it, and of fairness in it, as the argument frequently advanced that because one comes from the South where certain amendments are alleged to have been nullified, he is estopped from saying that other amendments shall not be nullified. In my place I say now that whenever any Southern State, my own included, goes beyond the limitations of the Constitution, any person at interest is invited to take an appeal through all of the courts to the Supreme Court of the United States to *determine the question.*
>
> Why this effort to invoke this doctrine here? Why should Senators persist in the effort to frighten by threat the South every time they wish us to do wrong? Why do they not undertake to scare us when they wish us to do right?

Mr. Secretary, I believe that this statement of a great southern statesman, with whom I am proud to serve, represents the forward-looking attitude which characterizes the truly great men of the South. I am convinced that they will do their utmost according to their lights to try to effectuate the equality of man which the Declaration of Independence advocates and the Constitution demands. But I do not here argue for any improvement in that direction. That is not the issue here today. Today I do not argue in favor of a step forward; I argue against a step backward.

Let me detail briefly the evidence against Mr. BILBO. I shall consider first, because I believe it to be of first importance, the charge that Mr. BILBO conspired to and did prevent duly qualified citizens from voting because of their race or color, in direct violation of the Constitution.

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Let me read some of the statements Mr. BILBO made:

This is from the Jackson (Miss.) Daily News of June 23, 1946:

Laurel.—Citizens of Mississippi were again called on here Saturday by Senator THEO. G. BILBO "to resort to any means" to keep Negroes from the polls in the July 2 Democratic primary.

"And if you don't know what that means, you are just not up on persuasive measures," said Senator BILBO as he completed a week of stump speaking in south Mississippi.

From the Jackson Daily News of May 30, 1946:

Tylertown.—Senator THEO. G. BILBO speaking here Wednesday afternoon in the interest of his candidacy for re-election, challenged the "qualifications" of Negroes to participate in a white Democratic primary, and laid the blame for "threatening racial strife in Mississippi to so-called southern liberals and socialistic, communistic political gangsters now attempting to undermine the white man's rule in the South."

Senator BILBO insisted that "the Negro is not sufficiently advanced to meet the constitutional requirements for voting in Mississippi and therefore not qualified to participate in a white Democratic primary."

The Jackson (Miss.) Daily News on May 28, 1946, reported:

Senator BILBO, holding forth on the porch of the pavilion, placed the responsibility for maintaining white supremacy in the hands of county officials.

"The poll tax," he said, "has nothing to do with the Negro not voting in the State; the real thorn in their imaginary crown—placed there by the Negro lovers of the North—is section 244 of the State's constitution, which provides that before anyone can register he must be able to read, or explain after it is read to him or her, the provisions of this constitution.

"The circuit clerks," he continued, "are under oath to protect the provisions of that constitution, and if there is a single man or woman serving in this important office who cannot think up questions enough to disqualify undesirables, then write BILBO or any good lawyer and there are a hundred good questions which can be furnished."

He told the campaign crowd it should support the officials and "use whatever means at your command to preserve and protect the custom in the Southern, white, Democratic primary."

Time magazine of July 1, 1946, contained this account:

BILBO howled a warning, "The white people of Mississippi are sitting on a volcano. * * * We are faced with a Nation-wide campaign to integrate the nigger with the social life of this country. * * *

"Congresswoman Clare Boothe Luce is the greatest nigger-lover in the North—except Old Lady Eleanor Roosevelt. Yep; Old Lady Roosevelt is worse. * * * In Washington she forced our southern girls to use the stools and the toilets of damn syphilitic nigger women. * * *

"I call on every red-blooded white man to use any means to keep the niggers away from the polls. If you don't understand what that means, you are just plain dumb."

An article by Harry Henderson and Sam Shaw in Collier's, July 6, 1946, quotes Mr. BILBO, as follows:

The poll tax won't keep 'em from voting. What keeps 'em from voting is section 244 of the constitution of 1890 that Senator GEORGE wrote. It says that a man to register must be able to read and explain the constitution or explain the constitution when read to him. * * * And then Senator GEORGE wrote a constitution that damn few white men and no niggers at all can explain. * * *

Why, the niggers are having meetings all over the State. We don't know what they're up to. They've had meetings in every county—meetings behind locked doors. Two policemen up at Jackson broke in on one of their meetings and do you know what they found? Northern niggers teaching them how to register and how to vote. * * *

Mississippi is white. We got the right to keep it that way, and I care not what Tom Clark and Hugo Black say. * * * I'm calling on every red-blooded American

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who believes in the superiority and integrity of the white race to get out and see that no nigger votes. * * * And the best time to do it is the night before.

A United Press dispatch by Martha Coble, June 25, 1946, reads as follows:

Jackson, Miss.—Senator THEODORE G. BILBO today challenged the right of the Federal Government to tell Mississippi it must allow Negroes to vote in next Tuesday's Democratic primary.

Mr. Secretary, the unanimity of these press reports and the character of the reporters is not the only warranty of their authenticity. There is another very persuasive factor. That is the undeniable fact that these statements kept appearing, day after day, in the newspapers of Mississippi, and never once were denied or repudiated by Mr. BILBO. Indeed, I would be willing to go so far as to say that failure to deny, repudiate, correct, or attempt to rectify these reports would, under the circumstances, constitute a virtual adoption of the language quoted.

Did he issue a denial? Throughout the campaign he failed to do so. Indeed, he made no attempt whatever to deny the statements, until he appeared before a Senate investigating committee with his lawyer at his side. As late as August 3, 1946, he confirmed these news reports. In an interview on the Mutual Broadcasting System that night he participated in the following dialog:

Question. If you don't believe in lynch law, I wish you would explain in very simple terms to all of us what you meant by the statement that was several times attributed to you as having been made in campaign speeches down there, that the way to stop Negroes from voting was to start from the night before.

BILBO. I said the best time to keep a nigger away from a white primary in Mississippi was to see him the night before.

Question. Wasn't that in effect to intimidate any Negroes who might have differed with your interpretation of the law and to keep them from the polls?

BILBO. You can call it what you may.

Mr. Secretary, I respectfully submit that that radio confirmation far outweighs the self-serving last-minute denials that were issued to a committee of this Senate on advice of counsel.

In his defense, Mr. BILBO has stated that even if he left the word out his hearers always understood that he referred only to "legal" means. He also claims that he was misquoted and that he did in fact use the word "legal." The committee did not call the newspapermen who unanimously omitted the word "legal" from their quotations.

Mr. Secretary, let us examine the context of this language; let us consider the background of these speeches. Mr. BILBO has had a long history of exploiting racial antipathies. Race hatred has always been the favorite theme of his repertoire, and we here in the Senate have often listened to his peculiar anthropological theories. They have been appeals to the instincts of clash and conflict, appeals to the childlike distrust that men of one complexion have for those of another. Invariably, they were couched in a language of violence; and if these were his accents on the Senate floor, what can we assume to have been his speech upon the hustings?

When Mr. BILBO exhorted his followers to "use every means" to prevent Negroes from voting, he was not talking in a climate of calm, dispassionate deliberation. He spoke in an atmosphere redolent of the odors of hate, of burning flesh, of tar, of feathers, and of gun-powder. It was not the place for polite inferences or for thoughts that could remain pure and innocent

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in spite of the inflammatory language in which they were expressed. It was not a forum of academic discussion. The mere addition of one word would hardly change the purport of his harangue.

Is the white robe and hood the uniform of a debating society? Is it the costume of a discussion group? Or is it the mask of the Ku Klux Klan, a secret organization which has committed more crimes under cover of darkness than any other organization in the Nation's history, an organization which from its inception has been dedicated to the oppression of Negroes, to an attempt to reduce them to the status of animals, to the denial of their franchise by beatings, bloodshed, torture, mayhem, threats, coercion, and murder?

Mr. BILBO has taken the solemn midnight pledge of membership in this organization. He has signed his name in blood to its tenets. In a recent radio speech, he admitted membership in the Ku Klux Klan. I quote him:

> I am a member of the Ku Klux Klan No. 40, called Bilbo, Bilbo Klan No. 40, Poplarville, Miss.

He said that he regarded his oath so conscientiously that "once a klansman, always a klansman."

All of these facts were known to the people of Mississippi. They knew BILBO to be a Klan member, and they knew that he was sympathetic to the aims and purposes of that organization. When he rose to emotional heights in demanding the exclusion of Negroes from the polling places, were they likely, then, to infer that he was referring, of course, only to "legal" methods? Would they be likely to take him seriously if he sandwiched in the word "legal"?

It is also argued in defense of Mr. BILBO that Negroes never were permitted to vote in the State of Mississippi. This, of course, is pure fiction. Negroes have not only voted in the State of Mississippi; they have even represented that State in this honored Chamber. In the post-reconstruction repression the vote was illegally taken away from Negro citizens.

The fact that the Senate might have previously ignored some violations of law does not excuse Mr. BILBO.

In the not distant past the Senate has debarred candidates for spending excessive sums of money on their campaigns. In the judgment of the Senate in the Newberry, Smith, and Vare cases, the expenditure of huge sums in effect resulted in coercion—it limited the free choice of voters. But if the expenditure of money limits the free choice of voters how much more is their choice limited by a threat to "see them the night before," to "use every means," yes; even "every lawful means" to keep them from voting, particularly when such incitements are addressed exclusively to "red-blooded" individuals?

FINANCIAL CORRUPTION

The evidence brought before us by the Special Committee Investigating the National Defense Program goes back much further than the recent election campaign. The Senate has now been informed by this committee that Mr. BILBO solicited campaign funds from war contractors whom he had aided, in what the committee says was a clear violation of the law of the land.

The Special Committee Investigating the National Defense Program uses this language in summing up BILBO's

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acts in the 1942 Democratic primary in Mississippi and since:

The evidence presented to this committee clearly indicates that Senator BILBO improperly used his high office as United States Senator for his personal gain in his dealings with war contractors.

The committee considers Senator BILBO's acceptance of expensive gifts and donations of personal property and the acceptance of improvements to real estate, provided by contractors who have profited out of their work for the Government in the war effort, to be an illegal practice in violation of existing Federal statutes.

I suggest that the Committee on Rules and Administration be directed to weigh all the evidence, as the Senate itself must do, from the specific viewpoint of deciding whether or not Mr. BILBO is entitled to be seated.

Mr. BILBO should be given a full and fair hearing on the direct question of his right to hold office. But in no case—in the face of the evidence already before the Senate—should Mr. BILBO be seated as a Senator pending the outcome of this additional hearing.

What are the powers and duties of the Senate in the matter of determining the qualifications of its Members?

In my research into election contests, I found that the Senate has 29 times accepted the credentials of a Senator-elect and investigated the charges afterward; but 18 times the Senate has refused to seat the Senator-elect while the prima facie case was being investigated. The right of the Senate is clear—it may seat before investigating or investigate before seating. In this case, where a senatorial investigating committee has declared there is proof of corruption and disqualification, seating must be denied. The oath must not be administered to one who has deliberately and flagrantly flouted and mocked it.

Mr. TAFT. Mr. Secretary—

The SECRETARY. The Senator from Louisiana has the floor.

MOTION TO SEAT BILBO

Mr. OVERTON. Mr. Secretary, I send to the desk and offer a substitute for the resolution offered by the Senator from Idaho.

The SECRETARY. The clerk will read.

The Chief Clerk read as follows:

Be it resolved by the Senate of the United States, That Senator THEODORE G. BILBO, Senator-elect from the State of Mississippi, is hereby permitted to take the oath and to qualify as a Senator from the State of Mississippi without prejudice to the Senator-elect or to the right of the Senate to determine all issues respecting his right to a seat in the Senate.

The SECRETARY. The question is on agreeing to the substitute offered by the Senator from Louisiana.

Mr. OVERTON. Mr. Secretary, the resolution submitted by the Senator from Idaho [Mr. TAYLOR] would have the effect of excluding Senator BILBO from the Senate. It would have the effect of excluding from a seat in the United States Senate one who comes here duly elected as a Senator by the people of his State, one who has presented his credentials showing his election, which credentials have been laid down by the Presiding Officer and ordered to be filed. There is no question as to Senator BILBO's nomination. There is no question as to his election. The only question involved in the resolution submitted by the Senator from Idaho is, Shall the Senate exclude from a seat in the United States Senate, at the very threshold of the Senate, one who comes accredited from a sovereign State as a duly elected Senator from the State of Mississippi?

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The argument back of the resolution submitted by the Senator from Idaho is that the Senator-elect from Mississippi is guilty of such gross misconduct, of acts involving such a degree of moral turpitude, and has so demeaned himself as to be unworthy of a seat in the United States Senate.

CONSTITUTIONAL PROCEDURE?

It is not my purpose to discuss that phase of the question. It is not my purpose to state now whether I consider Senator BILBO worthy of a seat in the United States Senate. I desire to present for the consideration of the Senate a much more fundamental question than that. I am not speaking for Senator BILBO. I am not speaking for any individual. I am speaking for the rights of American citizens regardless of what States they come from; I am speaking for the rights of sovereign States of the Union. I am speaking for the Constitution of the United States. I shall base my argument upon the Constitution of the United States. I shall take my stand, furthermore, upon what I consider to be a fair, decent, and just course for the United States Senate to pursue.

Charges are made by the Senator from Idaho, without any proof submitted by him beyond his own ipse dixit. There are charges pending before the Senate which were filed by a Senate investigating committee which had no jurisdiction to inquire into the validity of the election of the Senator from Mississippi. There are charges filed by the Senate special committee investigating the national-defense program which deal with events which occurred not in respect to Senator BILBO's election, but which occurred a number of years ago. The proper time to consider whether a Senator is entitled to a seat is when a duly constituted committee, organized for the purpose of making such an investigation, has made the investigation and submitted a report thereon. That committee used to be the Committee on Privileges and Elections. Now, under the law, it is the Committee on Rules. That committee has made no inquiry and has submitted no report.

BILBO'S CREDENTIALS

Now, here comes a man from a sovereign State of the Union, with his credentials, without there being any question as to their validity. He presents himself at the door of the Senate, and without any inquiry on the part of any regularly constituted committee of the Senate, under the Taylor resolution, he is to be barred from having a seat in the United States Senate.

My resolution, on the other hand, suggests that the Senator from Mississippi be allowed to take his seat and the oath be administered to him; that he be permitted to qualify without any prejudice to the right of the Senate to make inquiry either into the validity of his election or as to his fitness to occupy a seat in the United States Senate, and without any prejudice to the rights of the Senator-elect to appear in his own behalf in respect to any such matter.

I have heard Senators on this floor, both on this and on the other side of the aisle, speak very vigorously in support of antilynching bills which they are in the habit of preparing every now and then, especially during an election year, just before the election. Now what are we trying to do here today? Without giving Mr. BILBO a trial be-

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fore a regularly constituted committee, without giving him an opportunity to appear in his own behalf and defend his cause before this august body, we are undertaking to drag him by the heels to the door of the Senate and lynch him. That is the effect of the Taylor resolution.

That is not only unfair, it is unconstitutional. The Constitution declares that each House of Congress "shall be the judge of the elections, returns, and qualifications of its own Members." The Constitution declares what the qualifications of a Senator are. They relate to age, residence, and citizenship. He must be 30 years of age. He must be an inhabitant of the State from which he is elected. He must have been a citizen of the United States for 9 years preceding his election. Those are the qualifications which are prescribed by the Constitution. When the Constitution authorizes the United States Senate to pass upon the qualifications of its Members those qualifications are the qualifications declared by the Constitution itself.

The Senate is not without its remedy. If the credentials of a Senator-elect are proper and he is sworn in, if he is one who, in the judgment of his colleagues is unworthy of a seat in this body, the Senate has the remedy of expulsion, an adequate remedy.

The right to expel a Senator is unlimited. There is no limitation in the Constitution, such as is prescribed with respect to his right to take a seat. The Senate has the unqualified and unlimited power of expelling a Senator. There is no limitation as to causes for which he may be expelled. He may be expelled because in his early growth he robbed a watermelon patch, or because, as has been said on the floor of the Senate in times past, he has red hair, or because Senators do not like the way he walks, or the brand of cigars he smokes. The authority of the Senate is wholly unlimited in respect to expulsion, but it is limited with respect to a Senator being allowed to take his seat in the United States Senate.

My conclusion is that under the circumstances alleged in the present case, the Senate has power only to expel Mr. BILBO. It enjoys the unhampered right of expulsion; I do not question it for a moment. We have the absolute right to expel Mr. BILBO after he takes his seat, even 5 minutes after that time. We do not even have to give him a hearing, if we do not wish to do so. But I say that after he has been sent here by the people of his State we ought to give him a hearing by the committee properly constituted for that purpose.

Mr. TAFT. Mr. Secretary, will the Senator yield?

Mr. OVERTON. I am very happy to yield.

TAFT'S COUNTER-PROPOSAL

Mr. TAFT. The Senator has made it clear that the questions involved in this case are exceedingly complicated; they cover constitutional questions and other questions, and I wonder if the Senator would be willing to have the pending business temporarily laid aside and have the other Senators-elect sworn in, those about whose right to be sworn in there is no question. Then we could proceed with the debate on the question whether Senator BILBO should be sworn in pending the determination of the case, or whether he should not be. The Senator says we are depriving

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the people of one State of the right to have a Senator sworn in. By denying this matter for today and tomorrow the Senator is depriving the people of States in which 35 Senators have been elected, whose election is unquestioned by anybody, of the right to have their representatives sworn in. I do not wish to delay the matter, but it seems to me that the proper procedure is to postpone temporarily the question of deciding whether or not Senator BILBO should be seated pending the determination of this case. It is a debatable and an important question. There have been precedents on both sides. I wonder if the Senator would be willing to postpone the decision until the Senate was organized, and, I would think, until the President's opening message was delivered to Congress.

PARTISAN POLITICS

Mr. OVERTON. Mr. Secretary, in answer to the Senator from Ohio, let me say that if I were to agree to what he suggests I might be suspected of gross partisan politics on behalf of the Republican side, because if that were done, then since there were many more new Republicans elected than there were Democrats elected, there would be a very large Republican majority, or at least a fair majority.

On the other hand, let me ask the Senator from Ohio what difference it makes having BILBO sworn in? Let us organize the Senate. What difference does it make having BILBO in? He will have one vote. That is only one vote, and if the opposition delays this matter, they will have how many? The Senator from Ohio knows how many more.

Mr. TAFT. The Senator asked me what difference it would make. I do not know that personally it would make any difference to me in my final opinion, but there are plenty of authorities which take the position that charges such as those made against Senator BILBO by the War Investigating Committee go to the qualifications of a Senator, and therefore he may be barred by a majority vote in that kind of a case, whereas if he is once admitted, it will then take a two-thirds vote to oust him. There is a substantial issue involved in the question whether Senator BILBO shall be seated during the pendency of his case. I may not agree, but there are authorities which take the position I have stated, and that may well affect a sufficient number of votes to determine the Bilbo case.

HISTORIC PRECEDENT

The Senator asked me a question. In the first place, there have been, I think, 19 cases in which men have been excluded from the Senate. In 10 of those 19 cases they have been barred at the door; in 9 cases they have been ejected after they were admitted.

In the House of Representatives even more have been barred at the door. The question is not one of lynching anybody. The question is a very simple one of whether or not Senator BILBO should be made a Member of the Senate, pending the determination of whether he has a right to be made a Member of the Senate. It has nothing to do with trials, or any of the other arguments made by the Senator from Louisiana.

Mr. OVERTON. As a matter of partisan politics, we are asked to bar Mr. BILBO from a seat in the Senate,

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and to let the majority on the other side be increased.

Mr. TAFT. Will the Senator yield?

Mr. OVERTON. The case of THEODORE G. BILBO is one that has been prejudged, and BILBO, foredoomed.

Mr. TAFT. If the Senator will yield, let me say that he has frequently asked with regard to the political aspect of this matter. As I see it, there is no partisanship in this report. The report, which finds that Senator BILBO improperly used his high office as United States Senator for his personal gain, in dealings with war contractors, was a bipartisan report signed by Democrats as well as Republicans.

Mr. OVERTON. The Senator need not shake his gory locks at me. I did not bring up this issue at all. With the aid, I assume, of Senators on the other side, this resolution has been introduced by a Senator from our side of the aisle; but certainly it was not brought up by me. I am not keeping other Senators from being sworn in. I am not keeping their wives and the other members of their families, who are here, from seeing them sworn in. I know the families of the new Senators would like to see them sworn in. When I was first sworn in, I had my whole family here. I marched down the aisle; and in those days we had the morning frock coats, the tall silk hat, and all that, and it was a great event. I should be very glad to have the new Senators sworn in; but I am not stopping them. It is this fight against BILBO that is stopping it.

Mr. TAFT. Will the Senator yield?

Mr. OVERTON. If the Senator from Ohio and his colleagues want to continue the fight against BILBO, they will have to continue it.

Mr. TAFT. Will the Senator yield?

Mr. OVERTON. Yes, I yield.

Mr. TAFT. I am asking the Senator whether he will not permit this matter to be temporarily set aside.

Mr. OVERTON. No, I will not. That is final.

Mr. TAFT. Then, the Senator is preventing the organization of the Senate.

Mr. OVERTON. No, sir; I am not. I am fighting a resolution proposed by the Senator from Idaho and his aides on the Republican side.

Mr. WHERRY. No, we did not offer it.

Mr. OVERTON. I understand that, but the Senators on the Republican side or some of them are back of it.

Mr. TAFT. Mr. Secretary, the so-called action of the Republicans simply consisted in proposing the plan which I suggested to the Senator from Louisiana [Mr. OVERTON]. The resolution which we should like to see the Senate adopt is this:

Whereas charges have been filed with the Senate by a committee and Members of the Senate challenging the right of THEODORE G. BILBO to be a Member of the Senate.

Resolved, That the question of the prima facie right of THEODORE G. BILBO to be sworn in as a Senator from the State of Mississippi, as well as his final right to a seat as such Senator, shall be considered immediately at the opening of the business of this body on January 6, 1947, following the President's message to Congress, and until this body shall decide such question of his prima facie right to be sworn, the said THEODORE G. BILBO shall not be sworn in or be permitted to occupy a seat in this body.

In other words, we propose that the

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status quo as to Senator BILBO be continued until the question of changing it can be adequately debated.

STATES RIGHTS

Mr. GEORGE. Mr. Secretary, will the Senator yield?

It seems to me the fair thing to do would be not to force any Senator to prejudge this case on a record which we have not even had a chance to read or an opportunity to examine, and to let Senator BILBO, or any other Senator who comes here properly accredited by the authorities of his State, to take his seat, especially when the substitute resolution provides that he shall do so without prejudice to his rights or to the rights of the Senate.

Let me say to the Senator from Ohio that a greater question is involved here than the right of a man who comes from Vermont or Michigan or Mississippi or Ohio with credentials issued by the State government through the proper authorities of his State. His State has a right under the Constitution to have two representatives in this body, and it has the right to sit here in the person of one whom it has seen fit to elect and send here. That does not interfere with the right and power of the Senate to say "Very well, we have examined into your character, into your conduct, and we find that you are guilty of such moral turpitude as to justify us in saying that your seat shall be declared vacant"; and we can do it without the slightest embarrassment. That being true, should we not respect the other fundamental provision of the Constitution which declares that every State shall have two representatives in this body, and that, except by its own consent, it can never be deprived of the right to have two representatives in the Senate of the United States? We can keep the spirit and the letter of the Constitution itself, which is much more fundamental than the decision of whether I, or A or B or C has a right to come here and take a seat. We can keep the spirit and the letter of the Constitution and then proceed without the slightest embarrassment to make any inquiry into the election of the Senator or into his qualifications.

Mr. TAFT. I make a very simple request. It is that the question of determining the prima facie right of the Senator-elect from Mississippi to a seat in the Senate be postponed until Monday. If I could get a unanimous-consent agreement that if Mr. BILBO is sworn in he can then be objected to on the charges of the War Investigating Committee, by a majority vote, I would not object to his being sworn in, but there can be no such agreement. There is a basic difference of opinion among Senators on this side of the aisle as well as Senators on the other side of the aisle on that question, so the question would not be foreclosed even by a unanimous-consent agreement, which cannot be obtained. So it seems to me that the thing to do is to set aside this matter temporarily.

Since unanimous consent for that is refused, I intend to move to lay the entire matter on the table. I shall then move, after the President's message is delivered on Monday, to take the matter up again and debate at that time the question of the prima facie right of the Senator-elect from Mississippi to be sworn.

TAFT TRIES STRATEGY

We have had an adequate preliminary debate. In my own time the Senator from Georgia [Mr. GEORGE] has

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talked longer than I have talked. I therefore move that the motion of the Senator from Louisiana [Mr. OVERTON], together with the original resolution of the Senator from Idaho [Mr. TAYLOR] be laid on the table; and on that motion I ask for the yeas and nays.

The SECRETARY. The question now is on agreeing to the motion of the Senator from Ohio to lay on the table, and the clerk will call the roll.

The result was announced—yeas, 38; nays, 20.

So Mr. TAFT's motion to lay on the table was agreed to.

Mr. WHITE. Mr. Secretary, my colleague-elect from Maine, Mr. BREWSTER, is in the Chamber. His credentials are on file with the Secretary's office. They are in due and proper form. My colleague-elect is worthy, and I move that the oath of office be administered to him.

BILBO AGAIN

Mr. OVERTON. I move, as a substitute, that Senator-elect THEODORE G. BILBO, of the State of Mississippi, be permitted to take the oath and to qualify as a Senator from the State of Mississippi, forthwith.

Mr. THOMAS of Oklahoma. Is the pending motion debatable?

The SECRETARY. It is.

Mr. THOMAS of Oklahoma. I claim the floor to debate the motion.

The SECRETARY. The Senator from Oklahoma is recognized.

Senator Thomas of Utah held the floor, filibustering by reading from the committee report on Bilbo, until the Senate recessed. The session reopened with another proposal for recess.

Mr. WHITE. Mr. Secretary—

Mr. TAFT. Mr. Secretary, I inquire if the Senator from Maine is about to make a motion?

Mr. WHITE. I was about to make a motion to recess.

Mr. TAFT. Will the Senator yield?

Mr. WHITE. I yield.

TAFT FIGHTS FILIBUSTER

Mr. TAFT. It seems to me that under the circumstances now existing the only thing, so far as those who wish to organize the Senate without BILBO are concerned, is to recess at this time until tommorrow and have a session tomorrow afternoon. If by that time those who are blocking the organization of the Senate have not changed their minds, I think we should meet Monday morning, Monday afternoon, Monday evening, and continuously next week until this question is settled.

Resort to a filibuster in such an important matter, for such a wholly inconsequental purpose, namely, to prevent the temporary postponement of this question until the Senate can organize itself, is so unjustifiable that it seems to me that if those who are conducting the filibuster, who are preventing the swearing in of 35 Senators from other States, are not willing to change their minds, they are going to face a complete change in the rules of the Senate. They are going to face a change which will bring about a majority cloture on all questions, and I think that will have the full support of the country.

We have shown today that two-thirds of the Senate desire that the Senate be organized without Mr. BILBO, and that the question of his prima facie right to a seat be considered immediately after that organization; yet, in

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spite of that, a few desire to thwart the will of the entire Senate.

We cannot begin a session subject to that kind of threat for all measures that we may propose, and I believe very strongly that the only course for us to pursue is to see this thing through. I think Senators ought to have an opportunity to think it over for a day or two. Incidentally, the end of the week is not a good time in which to break a filibuster by simply staying in session. I hope the majority of the Senate will agree that beginning Monday morning the Senate should remain in session until the Senate is organized.

BARKLEY DISPROVES FILIBUSTER

Mr. BARKLEY. Mr. Secretary, I had in mind to make some comment on the pending situation. I desire to emphasize the fact that I am not only not participating in any filibuster, but that I distinctly disapprove of filibusters generally. I have never participated in one. And while I cannot predict what action I might take over the long future during which I expect to remain a Member of this body, I have never sympathized with filibusters, and do not now sympathize with them, and if this is one that we are entering into I do not sympathize with it and will not participate in it.

I recognize the constitutional right of any State to be represented in the Senate by a full representation. I recognize the constitutional right of any Senator who has been chosen by a State, to present his credentials to the Senate as a preliminary to his admission to the body. But there is an equal if not a paramount right in my judgment in the Senate itself, under the Constitution, to determine whether any man shall enter the Senate or whether he shall remain here after he has entered it, and if I were called on at this moment to express my opinion as to which of those constitutional rights is paramount to the other I would say that the right of the Senate itself, representing the whole country, under the Constitution to determine the qualifications of a Senator, is paramount to the right of any man to claim admission to the Senate if question is raised as to his qualifications.

I have not announced how I am going to vote on the right of the Senator from Mississippi to be seated. I have stated that I felt that Senators ought to have an opportunity to read the hearings, embracing some 700 pages, which have just been printed today and have been laid on our desks.

I hope that Senators on both sides of the Chamber will divest themselves of anything that is petty or that gives the appearance of being petty, either from a political or personal standpoint, in determining the right of the Senator-elect from Mississippi, the right of the State of Mississippi, and the right of the United States and the people of the people of the United States, to have this question passed upon on its merits.

Mr. Secretary, I felt that I ought to make these remarks, which are wholly nonpartisan, and having been the victim of a great many filibusters heretofore in the Senate against legislation which I favored, I might say to the Senator from Ohio that, as he may recall, I have from time to time advocated that the Senate be permitted to decide by a majority vote what its rules should be, and should be permitted to decide the condition under which it might arrive at a point where

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a vote could be taken on any pending legislation. When I am confronted with that proposition in the way of an amendment to the rules I am quite sure my vote will not be inconsistent with the attitude which I have always assumed here with regard to the right of the Senate to govern itself by a majority vote.

WHO SAYS "FILIBUSTER?"

Mr. OVERTON. I fail to understand why two speeches on this subject should give rise to all the commotion which has been caused in the Senate. In part, I fail to understand why they should have provoked threats on the part of the Senator from Ohio to put the minority in a strait-jacket by adopting new rules in reference to filibusters.

What has been presented here is a challenge to the right of a State to send to the Senate a Senator of its own choice, elected in a campaign in which all the charges which have now been presented in the report made by the Committee to investigate War Contracts have been brought. Those charges were made and thoroughly aired, and the people of the State of Mississippi repudiated them and sent Senator BILBO here to represent them.

Mr. BARKLEY. A while ago it was generally agreed that the Senate would take a recess until tomorrow. When the Senator from Maine made his motion, I think there was some confusion and misunderstanding. I have a feeling that if the Senate had really understood the situation it would have voted to take a recess, instead of voting against taking a recess: Personally, I should like to see the motion renewed in a moment of calm, to see what the wishes of the Senate are about it. I do not think we are going to get anything done here tonight. Unless the Senator from Maine wishes to renew the motion, if the Senator from Louisiana will permit me to do so, I myself am willing to move that the Senate take a recess until 12 o'clock noon tomorrow.

MOVE TO RECESS

Mr. BARKLEY. I now move that the Senate take a recess until tomorrow at 12 o'clock noon.

Mr. MORSE and other Senators requested the yeas and nays; the yeas and nays were ordered, and the legislative clerk called the roll.

The result was announced—yeas, 32; nays, 18.

During the next session, Senator Ellender of Louisiana resumed the filibuster, which was cut short by Mr. Barkley.

COMPROMISE ON BILBO

Mr. BARKLEY. Mr. Secretary, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I will gladly yield to the Senator from Kentucky if by yielding I do not lose the floor or any of the rights I now have.

Mr. BARKLEY. I do not want to take the Senator from the floor. I would not ask him to yield unless he could resume after I make the statement which I now propose to make.

Mr. ELLENDER. If the Senator from Kentucky will obtain unanimous consent that I not lose the floor by yielding I shall be glad to yield.

Mr. BARKLEY. I ask unanimous consent that the Senator from Louisiana may yield to me without losing

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the floor, if after yielding he desires to continue to occupy it.

Mr. ELLENDER. Very well.

MR. BARKLEY. The Senator-elect from Mississippi has advised me that he is compelled, in the interest of his health—and it may be in the interest of his life—to return immediately to New Orleans in order that the operation which Dr. Oschner desired to perform on the 26th of December, involving the removal of a larger portion of the lower jaw, two glands in the throat of the Senator-elect, and possibly a malignant growth in his cheek, may be completed at the earliest possible date. The Senator-elect from Mississippi desires to return to New Orleans for that operation at once, and he is planning to leave the city either tonight or tomorrow for that purpose.

In conversation with Dr. Calver this morning he advised me that following this operation a minimum of 6 weeks, and probably 2 months, will be required before the Senator-elect from Mississippi may be able to return to Washington. That, of course, would be governed by circumstances and by the rate of recovery from the operation.

In view of this situation, and after consultation with Members on both sides of the Chamber, including friends of the Senator-elect from Mississippi and the Senator-elect himself, I ask unanimous consent that the credentials of the Senator-elect from Mississippi, Mr. THEODORE G. BILBO, lie on the table without prejudice and without action until such time as he is able to return, in view of his physical condition, and to be here when they shall later be taken up, or until such time as the Senate itself may order them to be taken up for consideration; that all other Senators-elect who are entitled to take the oath of office be permitted immediately to be sworn in in groups of four, except that the Senator-elect from Maine [Mr. BREWSTER], and the Senator-elect from Ohio [Mr. BRICKER], who are in the first group of four—the Senator from Connecticut [Mr. BALDWIN] already having been sworn in, and the Senator-elect from Mississippi [Mr. BILBO], stepping aside under this unanimous-consent agreement—be sworn in as a group; and that following that, the other Senators-elect be allowed to take the oath of office immediately in groups of four, alphabetically.

I also ask that the certificate of the Senator-elect from Mississippi lie on the table without prejudice and without action until such time as the official physician assigned to the Congress, Dr. Calver, certifies that he is able to return here, under the unanimous-consent request, or until such time as the Senate itself may take action.

(Unanimous consent was granted.)

A Marine captain once ran into a tribe of cannibals in the jungle who were just sitting down to lunch. The head of the tribe finally confided to the Marine that he had been to college in the United States.

"Do you mean to say," asked the Marine, "that you went to college and that you still eat human beings?"

"Oh, yes," the chief replied, "but of course I use a knife and fork now."

Presidio.

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DOES CIVIL SERVICE E

YES!

By Max Knepper

LIKE most reforms which alleviate the abuses they were designed to abolish, civil service itself is now threatening to become an abuse. Indeed, in California, where its scope and independence have attained their zenith, it already has.

In a state noted for extremities, civil service has captured almost the entire administrative branch of government. Excepting the governor, attorney general, and a handful of other elective officials, each of whom is permitted one exempt appointee, the state's administrative machinery is in the hands of a life-tenure bureaucracy.

LOS ANGELES

The state civil service, however, is flexible compared with that of the Los Angeles City and County governments in which even high department heads are under civil service. Of the 21,000 city employees under his jurisdiction, the Mayor of Los Angeles is permitted half a dozen exempt aides in his office. Members of the City Council cannot even select their confidential secretaries. Such policy-influencing offices as treasurer, city clerk, chief of police, fire chief, city engineer, health officer, and, of course, all division heads and bureau chiefs are under civil service. In the Los Angeles County government, even the executive head, known as the Manager and Chief Administrative Officer, is a civil servant. Among the 19,430 officers and employes in this jurisdiction, only the five elective supervisors, sheriff, assessor and district attorney are responsible to the electorate.

A cynic might observe at this point that the rigidity of civil service, even such an extensive one as the California system, is apt to be tempered by pressure from top elective officers. But this is not true in California because here civil service enjoys a singularly independent status. In the federal government, and that of most states, civil service is statutory and may be regulated by the legislative authority. In California, however, civil service is provided by constitutional amendment, while it has developed in the principal city and county governments through a series of charter amendments which eliminates control by elective officials. In view of the tireless efforts of various merit system associations, leagues, committees, and whatnot to extend the system to jurisdictions now devoid of civil service, or to federal categories now exempt, a study of the California system as it affects responsible government might be worthwhile.

This article is not concerned with the subjective merits of civil service. Obviously the system has its advantages for its members, chief of which is a security unknown to any other class of society. Objectively, civil service must be

(Continued on page 144)

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NDANGER DEMOCRACY?

No!

Louise L. Palmer

THE murder of a president by a dissapointed job seeker shocked this country into passing our basic federal civil service law. In the 66 years since the passing of the Pendleton Act, public opinion has forced usually reluctant politicians to put more and more jobs under civil service systems. Today, while the merit system is deeply rooted in the federal government and in many progressive states and cities, political hiring and firing is still the rule in over half the states and in the majority of smaller jurisdictions. An evaluation of civil service must consider not only whether it has developed abuses where it is most firmly entrenched but also whether it would not be an improvement over existing spoils systems.

EARLY REFORMERS

The early merit system reformers were primarily interested in cleaning up politics. One of them says, in describing the result of the "partisan prostitution of the public service," that "reckless abuse of patronage, the most lavish and acknowledged corruption have made party despotism so absolute that the conscience and intelligence of the country are largely enslaved by unprincipled ignorance and insolent cunning." The twentieth century emphasis is more likely to be on efficient administration. A staff chosen for merit alone and not constantly disrupted by political "clean-sweeps" can give better service. The returns of civil service in the form of better government can be summed up under the headings of better men, better administration and better politics.

Better personnel are hired by a system of impartial examination, either written or in the form of an evaluation of experience, than by uncontrolled appointments by elected officials. There is no use in blinking at the fundamental nature of political appointments. They are not made primarily to put the best available men in the job. They are not even made primarily to put someone who agrees with the executive on issues of public policy in the job. Political appointments are made first and foremost to pay political debts or build political fences; not just the debts of the executive but those of the majority party legislators who consider patronage their due for cooperation with him. This is true not only in obviously corrupt jurisdictions. The prerequisite to a job in the early New Deal agencies was a clearance from the headquarters office of the Democratic National Committee. Congress had exempted them from the merit system. Of course, not every political appointee is a ward-heeler. Those close to the executive will be men he thinks can do the job. But, in general, you will hire better men for the job they are to do when that is the sole consideration and when it is not hedged about with political and geographic considerations.

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(Continued from page 142)

judged on its ability to provide not only efficient government but faithful execution of whatever policies the majority have adopted at the polls.

Very little space will be devoted here to estimating the efficiency of the merit system as against the spoils or politically responsible method. Civil service zealots have been remarkably successful in convincing the general public that their system recruits much higher calibre personnel than the so-called "spoils" system.

This claim could be disputed on several points. It has been established largely by the process of setting up straw men and knocking them down. The assumption, repeated so often it is accepted as axiomatic, is that a political appointee is an intellectually and morally inferior person appointed solely through consideration of nepotism or political expediency in contrast to the merit system appointee who is a detached, brilliant individual, highly trained in the art of government.

The truth is that, excepting depression times when security is at a premium, the more capable individuals in almost all lines do not accept government work because the pay and opportunity for advancement are greater in private employment. It is also erroneous to assume that elective officers generally place square pegs in round holes when they have freedom of appointment. Their very self-interest impels them to fill vacancies with competent personnel. The chief difference between the two systems is that an elected officer not bound by civil service can, and usually does, appoint a man of his own political philosophy, which, other things being equal, makes for more cooperative administration.

In fact, if ability were the only factor involved, it could be secured even under the spoils system by laws prescribing minimum standards for various classes of positions. However, merit is merely a subordinate feature of the civil service system, being valuable mainly as window dressing for the public. It is the life-tenure (read politically irresponsible) aspect which makes the institution so attractive to its beneficiaries and, on its higher levels, so detrimental to democratic functioning of government.

CONTINUITY

The one valid claim of a civil service bureaucracy to superior efficiency is its provision for continuous administration. Especially in jurisdictions where the elective head is subject to change every two years, the routine administrative machinery (as distinct from the policy-influencing offices) should be kept intact, and civil service seems to be the best method. Actually, no reasonable quarrel can be found with the examination-life-tenure method of filling routine government jobs. While it does not provide the above-average personnel which its proponents credit to it, the system is as good as any. After all, even the most rabid Republican file clerk could hardly sabotage New Deal policy, nor could a Socialist draftsman in an engineering bureau induce a conservative administration to experiment with public housing.

But efficiency is really not the essential issue. The vital question is whether civil service impedes democratic change of government. When the merit

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system was in its pioneering stage, its campaigners met the charge that life-tenure for government employes would be an undemocratic influence by disclaiming any intention to bring policy-making offices within its scope. Now, at least in California, this pretense has been discarded. Particularly in local jurisdictions, as we have seen, the highest administrative posts are under civil service, and any effort to modify this condition meets with hysterical opposition from civil service pressure groups.

In the recent general elections, the voters of California narrowly defeated a constitutional amendment permitting the appointment of a deputy superintendent of public instruction and three associates exempt from civil service by the State Board of Education upon nomination by the superintendent. The measure was placed on the ballot by the legislature after a thorough survey of its need.

The opposition argument, mailed to the voters by the Secretary of State, consisted principally of a claim that the amendment endangered State civil service. It was signed by Julius G. Knoblauch and Samuel Hanson, officers of the Merit System League, and the following pertinent paragraph is quoted:

> The proposed amendment would give to the department seven employes exempt from civil service. The State Board of Education is politically appointed. The Superintendent of Public Instruction is politically elected. With seven persons who could be politically appointed to the seven highest positions in the department, there would remain little incentive or opportunity for advancement for employes in the department.

CAREER SERVICE

This argument is significant in several respects. For one thing, it puts in their place those who naively believe that government posts exist primarily to perform designated services for the public. According to Messrs. Knoblauch and Hanson, the primary consideration seems to be employment opportunities for career public-administration men. Secondly, there is the emphasis on the word "politically." The redundancy in the phrase "politically elected" is a trifle obscure, since it is difficult to imagine how any official could be elected without a political process. I suspect, however, from my acquaintance with civil service propaganda, that the word was employed here to discredit the elective system. Despite the respectable definition of "politics" and "politician" by Webster, the terms have come into public disrepute, rather akin to sneak-thief, liar, or buffoon. Civil service personnel have done their share to strengthen this belief in the public mind in order to remove themselves from control by the people's representatives.

The political appointment of seven high officers in California's Department of Education, which employs hundreds of routine workers, is really no threat to civil service in the levels to which it should be confined. In this state there are several mutually hostile schools of thought regarding educational methods, and under the circumstances, the opportunity for an elected superintendent to freely select his immediate deputies, especially those who will represent him in various parts of this large state, should be a right rather than a privilege.

The following instances of defeat of the electorate by life-tenure civil servants are cited as typical of the pernicious authority this class can wield.

After 40 years of Republican control, a leftwing, Democratic administration was elected in California in 1938 on a platform embracing liberal relief benefits

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for the unemployed and physically handicapped, slum clearance, aid for migratory workers (the Joads), state cooperatives, and other ultra New Deal social innovations.

However, shortly after Governor Olson's inauguration, he discovered that he had to work with an entrenched Republican bureaucracy extremely inimical to his program. Although the governor—unlike the Mayor of Los Angeles—enjoys the liberty of appointing his department heads, most of the executive assistants, bureau chiefs, and division heads are civil service employes. While unsympathetic with the governor's aims, these executives did not dare to directly oppose their new chief, as that would have been an act of insubordination calling for dismissal. They simply expressed their opposition through negation, though some of the higher civil service bureaucrats, despite the injunction against it, did secretly lobby against the governor's program among their friends in the legislature —particularly in the conservative Senate.

So far as this article is concerned, Olson's policies are an extraneous matter. The point is that a rather large majority elected him to office to put them into force but they were frustrated, due in part to Olson's personal shortcomings and to legislative opposition, but in considerable part to sabotage by powerful bureaucrats protected by civil service.

DISMISSAL

One of Olson's political appointees in the Department of Institutions, Secretary Frank Scully, contrived a thorough housecleaning in that branch, but his efforts were completely nullified by the civil service superintendents of the various institutions who resented interference by a political interloper. Finally a youngster in the Whittier State School for Boys hung himself, allegedly after vile abuse. The press, humane societies, and the general public clamored for a cleanup. But how? Removal under the California system is always tested in the courts and requires the same strict rules of evidence as a criminal conviction, and control of evidence generally rests with those who are resisting removal. Naturally the superintendent at Whittier defended his underlings, who, tit for tat, defended him. A year later this particular official was removed quite by accident. He was arrested by highway police for drunken driving, convicted in court, and, on that basis, declared unfit for his office and subject to removal. That is how civil servants are dismissed in California and her political subdivisions.

In the fall of 1938, the people of Los Angeles, in a spectacular political upheaval, recalled Mayor Frank L. Shaw, replacing him by conservative Judge Fletcher Bowron. The Los Angeles voters were highly incensed with the Shaw regime and forcefully and unmistakably mandated Bowron to clean up the city, forgetting, however, that they had deprived him of his broom. Every post in the city except the mayoralty secretary was under civil service.

Although the police department was honeycombed with graft or worse (five captains and lieutenants were subsequently sentenced to San Quentin for felonies including attempted murder of a private citizen), there was no chance of removing the chief unless it could be proved in court that he was criminally

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implicated. The fact that the department had reached its nadir of criminality and lawlessness during his incumbency was not cause for removal under Los Angeles' civil service laws. Finally, after days of wrangling, Mayor Bowron maneuvered Chief Davis into retirement on a pension of $400 a month, enabling him to appoint a new chief from among the three highest candidates on the eligible list.

The prospect of removing other high officials by such indirect methods was too Herculean. Although the new mayor was opposed to the principles and methods of both the city engineer and the health officer—to cite two at random—he had to accept them as members of his administration. He handled the engineer's case by having the Board of Public Works transfer most of his authority and duties to independent bureau heads, reorganizing the entire department. It was the mayor's only recourse, but it was an expensive and inefficient way to solve the problem, for the taxpayers had to continue the support of a city engineer now practically useless, while at the same time paying a new crop of officials to assume many of his former functions.

It was the same all down the line. By transfer of personnel and reassignment of duties, Bowron partially succeeded in complying with the election mandate. However, the process was not only cumbersome and costly but productive of disharmony in the administration. Many of the higher civil servants carried over from the Shaw regime were resentful of the new mayor's innovations and waged a campaign of passive resistance.

REMOVAL FOR CAUSE

Apologists for civil service always cite the power of elective officials to remove for cause as an argument that they can enforce cooperation. This is sheer casuistry. Under the laws as they have been interpreted in California, "cause" seems to involve a positive act of insubordination, malfeasance, or worse. Removal is not a simple act of handling an employe a discharge slip. It involves a hearing before a commission and, almost invariably, a court trial. Unless the complaining official is certain he can prove his case, he hesitates to institute action because failure has a ruinous influence on employe discipline.

Those who believe in extensive civil service ignore the fact that administration is not a governor or a mayor alone but the whole executive machinery. It may be conceded that the lower categories of administrative personnel do not influence policy and, therefore, may be disregarded in this discussion. The higher-grade civil servants, however, not only influence policy but frequently shape it. To assume that a governor, or even the mayor of a large city, is capable of supervising 20 or 30 departments to ascertain whether his policies are being aggressively supported, regulating conduct of the employes, and filing and maintaining charges against those who are inefficient or non-cooperative is fatuous. If he can select department heads and the higher grade supervisory officers, however, he can control enough levers of the machine to make sure that it functions as he wishes.

Under the system prevailing in California, each employe must look to his civil service superior for advancement rather than to the elective officials. The

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loss of control over promotion by elected representatives tends further to isolate the bureaucracy from public control. Naturally there is no incentive for loyalty to the elected, temporary head of a government unit fettered by civil service in the higher ranks. Instead, whatever fidelity exists among the employes is given to the life-tenure department heads who control the career opportunities of their subordinates.

Herein lies the anomoly of dual administration as it exists in Los Angeles. There is the elected executive and his non-salaried, part-time boards on one hand and the permanent department directors on the other. In a conflict of policy, the permanent clique, by virtue of its very permanancy, may readily stymie the elective. This may be "higher public administration" but it is not democratic, responsible government.

THREAT TO DEMOCRACY

The Tenure of Office Act which a piqued Reconstruction Congress passed during Johnson's administration forbade the President to dismiss a cabinet officer without consent of the Senate. It was later declared unconstitutional by the Supreme Court, and the principle is now generally accepted by all parties and factions in American politics that the President should enjoy the untrammeled right to dismiss a cabinet (i.e., department head) officer whose policies deviate from his own. But civil service forces are unceasing in their efforts to deny governors and local elective officers the same right. This is a present and considerable threat to democracy.

If the people prefer to make the administrative branch of their government a non-elective, life-tenure establishment, the offices to be filled from open and promotional examinations, that is their right. But they should avoid the illusion that they are improving democracy. They are destroying democracy and replacing it by a system removed from responsibility to any political expression of the electorate.

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Political hiring doesn't just hinder getting the very best man for the job. It tends to drive capable, ambitious men out of the field of public administration altogether. Except for a few prestige positions at the top, good men don't want to take jobs from which they may be fired in two or four years regardless of the quality of their work. They can get jobs in the business or professional world that will give them tenure while their work is satisfactory and a chance to see through the projects they start. That is why a spoils system, even with a window dressing of minimum requirements for jobs, will attract generally inferior personnel.

Civil service has made better administration possible by providing continuity. Except in the smallest cities, governments are complex, specialized organizations. Their functioning requires much more than the technical proficiency of each employee at his job. It requires thorough over-all planning, clear division of function, a smoothing down of the inevitable problems of human relations, an

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esprit de corps. These can't be created full grown on a chart or even by a "whiz" administrator. They have to develop through the experience and hard work of the organization as a whole. That is one of the reasons why low turnover is the ideal of big business. The other is that turnover has a high monetary cost in the loss of "know-how" and the orientation and adjustment time required by the new employee. Career service makes possible this valued conservation of experience and continuity of organization in government.

WHAT IS POLITICS?

If it has been beneficial to take politics out of jobs, it has been even more so to take jobs out of politics. Politics is by no means solely a matter of issues approved or disapproved by the voters and put into effect enthusiastically, or subtly sabotaged, by the office holders. It is also made up of favors by the politicians to the constitutents as benign as baby care booklets, or advice on what agency to apply to for some service, or as ominous as the passing out of street construction graft. Dirty politics is built up on the basis of personal favors in the form of jobs and the favoritism, special protection and graft that have historically gone with patronage. A former member of the Civil Service Commission of Chicago says that the Kelly machine "normally controls from 3,000 to 5,000 political appointments; this is enough to support one active worker in each precinct with a comfortable margin left over for headquarters." When we take away patronage as a method of attracting votes, we are making room for principles and issues in politics.

Any institution, even democratic government, is subject to abuses. It would in fact be surprising if civil service had not developed certain abuses in some of the many jurisdictions in which it operates. The problem is whether they can be removed without fundamentally changing the system; in other words, surgery versus execution. Two complaints commonly made against civil service are that it is not sufficiently responsive to the public will and that under civil service government lacks the vitality, the "get-up-and-go" that business has.

NON-CIVIL SERVICE APPOINTMENTS

The political control of the administration of public policy is, of course, an essential part of democracy. The president, the governor, the mayor are elected. The city or county manager is customarily hired by the council and fired at its will and pleasure. These officials have policies which have been given popular approval, and they are also responsible for carrying out the will of the legislature. They should be able to appoint enough officers and aides to see that the administrative branch does carry out the policies just as effectively as possible. The question is how much is enough. How deep into the organization should the top layer of non-civil-service appointments reach? Taking civil service jurisdictions in general, one can say that it is customary for the executive to appoint those department heads who are not elected and for each to have at least one or two personal aides. The bureau chiefs, the section heads and the top grade technical advisors immediately under these cabinet officers may not be appointive. It is around these positions that the controversy centers.

There are good reasons why the cabinet officers will find it to his advantage

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for the bureau chiefs to be under civil service. The experienced civil servants will keep the department running smoothly until he is able to take hold, and they can minimize burdensome administrative work throughout his term of office. The cabinet officers will find their experience invaluable in deciding how to carry out his policies. These bureau chiefs will know what has been tried already and how to make the budget dollar go farther. They can help their superior thread his way through the maze of legal restrictions. Career administrative men make much easier the department head's job of formulating realistic policy and carrying it out efficiently. Moreover, the opporunity to hold high position naturally attracts a better grade of personnel to the civil service. Conversely, if civil service careers do not lead to responsible positions, good men will look elsewhere.

The only argument for having the bureau chiefs appointive is that they may not be cooperative. This is occasionally so. But the mere possibility of non-cooperation is not sufficient reason to fire a whole class of valuable employees. They are more than likely to cooperate whole-heartedly with their new bosses because, for one thing, they want to keep their jobs. Besides, they have been trained, as any man who has worked up through administrative positions must be, in putting aside personal preference to carry out the decision of his superior. If a civil servant should disagree so strongly with his superior that he openly or subtly sabotages his policies, there is a remedy. The executive can fire him.

FIRING CIVIL SERVICE EMPLOYEES

There is nothing fanciful or specious about saying that a civil service employee can be fired. In the federal service, for instance, the only formalities required by law in firing an employee are that a written statement of the reasons be prepared and that he be given a copy and the time to present a written reply. He can appeal to the Civil Service Commission only if political or religious discrimination is alleged, which is a desirable safeguard, or, very recently, if he is a veteran, which seems a misguided bow to political pressure. And federal employees are fired for cause, 108,000 of them in the last fiscal year (not including lay-offs).

When firing for cause is made extremely difficult either by law or regulation, it is a real abuse that should be corrected. "Cause" should be liberally enough construed to include inefficiency and uncooperativeness but not to include political, religous or racial prejudice. The courts should not have review since that is a usurpation of the executive branch's functions, and the federal courts have refused jurisdiction in such cases. Where these abuses have become part of the system, they should be attacked directly by law or constitutional amendment if necessary. To say that the only remedy is to remove jobs from civil service is like reaching for the scissors instead of the cleaning fluid to remove a spot. Adequate provision for removing the employees who cannot do the job is as much a characteristic of a good civil service system as merit appointment.

Effective policy control by the politician is implemented when the appointive positions at the top are few. It is impossible to state the right number of appointive positions categorically when jurisdictions vary in size from the federal government to a small city. But one might generalize in this way. The executive

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ould appoint all his department heads except in small jurisdictions where some them, like the city clerk, do not make policy. The executive and the depart- ent heads each should have some appointive personal assistants to help in rmulating policy but also some civil service aides to show them the ropes in rrying them out. But the most expert and obedient civil service assistance, or r that matter, the wildest freedom of appointment, is not going to insure that e policies of a department head will be effected if he is a bad administrator nself. When the president or mayor appoints his cabinet he is going to have pick men who not only agree with him but also have the ability to get things ne. This is not the place to discuss whether this is a gift or an acquisition t certainly the study of modern budgeting, administrative reporting and man- ement techniques would prove useful to anyone appointed to such a post.

GOVERNMENT LACKS VITALITY

Another of the charges against civil service is that government lacks the ality, the push of business. The charge is a compound of truth, tradition and e annoyance of the citizen when he finds that government affairs today are too fficult to be understood without a little patient attention. Actually, the best government compares very favorably with the best in big business. As a atter of fact, civil service policies are a fairly close approximation in govern- ent of the most modern personnel practice. There is an attempt to choose the st men from a wide field with emphasis on low turnover and facilitation of vancement within the organization. Public and private practice diverge only ere civil service unreasonably restricts firing for cause. It has already been inted out that this is not a necessary evil.

Government has problems of administration that businesses do not have. he enormous size and diversity of the federal government makes coordination d prevention of duplication a tremendous job. It has frequently been said at government lacks the dollar yardstick to help achieve efficiency. The late ller's market demonstrated, by the extreme of discourtesy and poor management business, that lack of this yardstick is a handicap indeed.

We are always in danger of taking the good things in life too much for anted. We can take the honesty and efficiency resulting from our civil service stems so much for granted that we let the structure that maintains them lapse. ven where exceptionally good administrations turn up, outside the civil service ucture, such as the T.V.A., they are wholly within the merit system tradition. nd they are likely to be subjected to terrific political pressure as T.V.A. was, ar after year, by Senator McKellar. Only the exceptional strength and integrity Mr. Lilienthal and his colleagues and the public feeling against surrendering is agency to patronage enabled it to stay independent of political parties.

Democracy must both reflect the public will and do its routine and emergency sks well. Efficiency in carrying out policy must march equally with wise policy rmulation. The best and wisest policy is a failure if there are not effective struments for carrying it out. Civil service which is the bulwark of administrative iciency should not be undermined by attack but strengthened by reform in ose places where reform is needed.

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OUR

OUR ROSTRUM is your platform. You are invited to submit letters on any of the issues or articles published in FORUM. The best letters will be printed in this column each month. As in the past, the editor may reserve the right to publish letters in part only because of space limitations.

LIBERAL DILEMMA

To the Editor:

I have read and re-read the article entitled "The Expert in Government" by Otto F. Kraushaar, which appeared in your November, 1946, issue. I have also read with a great deal of care the article entitled, "To Prevent Communism" by Robert Lasch.

It seems to me that both articles could be construed as having a pro-Communist atmosphere.

Almost daily more Americans realize that the germ of Communism is as deadly as the germ of Fascism. Both germs must be isolated and destroyed as promptly as possible.

Nevertheless, there are all together too many "liberals" who believe the infallibility of Stalin and democracy, Russian style, and when talking about our own country, usually roar as gently as sucking doves. We must talk out bodly, courageously and unmistakably against the Communists as well as the Fascists and not with tongue in cheek. As Americans, we should take forthright positions in denouncing the extremes of the Left as well as the extremes of the Right. Democracy is threatened by one as much as by the other. Democracy must be destroyed if totalitarians are to march on.

Quite a number of Americans seem to feel that, because we are not perfect, we have no right to criticize the Communists. If this thought is correct, then we also have no right to criticize the Fascists. I, however, refuse to be on the defensive against Communism or Fascism. We have no apologies to make to any dictatorship. With all its imperfections, we still have the best democracy in the world and the highest standard of living.

The average American knows that we are not perfect. What country is without fault of some kind? He also knows that progress is being made here and that the last word in economic, social and political matters will never be written. He is likewise satisfied that Moscow is not the road to Paradise and that the Soviet standard of living is about the lowest in Europe.

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ROSTRUM

In a typical pro-Stalin speech by Henry Wallace, made not so long ago at a political rally in Brooklyn, he said:

> "Unless the American capitalist system is so modified that it can produce abundance for all, America will go Communist."

Will the American go Communist without investigating the Russian "abundance" and what she has to offer in place of our democracy?

Miss Dorothy Thompson recently pointed out that:

> *"No system in history has ever produced universal equal abundance, according to everyone's standard of abundance."*

Or is this "abundance" and the "economic security" the American Communist speaks about, the "abundance" and "economic security" furnished to the animals in our zoos or the inmates of our institutions?

Misinformation, confusion and clever propaganda and our frequent failure to answer and counter-attack make possible a good deal of the Communist progress in the United States and elsewhere. In this connection may I quote the following statement made by Professor Hans Kohn in an article entitled, "This Century of Betrayal," which appeared in the September issue of the "Commentary," a magazine sponsored by the American Jewish Committee:—

> "The most dangerous symptom for the future of civilization is the admiration which even liberal intellectuals hold for liberty's most determined enemies, for their seeming efficiency and their success. The astonishing ability of the mind to deceive itself and escape its responsibilities is revealed in the brilliant array of excuses and subterfuges. *To compete with totalitarian claims, immense demands are put upon free society, which no society can meet.* Its survival, and our right to its survival, are made dependent upon the solution of many problems that by their nature are insoluble except in a Utopia, or *allow only a slow and gradual amelioration by patient and sustained effort.* The boasts of totalitarian regimes are accepted uncritically at face value. So it is with the most popular slogan: 'unemployment.' As if the totalitarian regimes had solved that problem otherwise than by gigantic preparations for war or defense, 'guns instead of butter,' and with a standard of living that the 'unemployed' in a capitalistic society would reject."

NATHAN D. SHAPIRO,
Brooklyn, New York.

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EDITORIA

Portal-to-Portal Pay

Strangely enough, this issue meets with wholesale condemnation from representative newspapers in all parts of the country and of all shades of economic and political opinion.

PORTAL HIGH JINKS

The absurdity of the C.I.O. drive to bankrupt American industry by claiming billions of dollars of retroactive portal-to-portal pay has been exposed by the counter-claim of the Rockwell Manufacturing Company for $15,000,000 in damages on the ground that its employees loafed on the job.

The company takes the position that if, under the dictum of the Supreme Court, it must pay its employees for the time they spent on its premises in walking from the gate to the place where they punched the time clock, it is entitled to deduct pay for time when the employees were not actually working.

Moreover, the company contends that as a result of employee loafing on the job, it lost two and one-half times as much as the employees claim in retroactive portal-to-portal pay.

If the Supreme Court ruling, which upset contracts and accepted conditions of employment, is sound, then it would appear that the Rockwell company's contention also was sound.

The next logical step would be for the court to determine the liability of both parties by appointing inspectors with stop watches to keep track of the movements of each worker from the time he entered the company's premises until he left.

Each inspector would meet the employee he was assigned to watch at the gate. He would note how long it took him to change his clothes and walk to his bench, and charge that time against the employer. Then he would note how much time the employee spent getting a drink of water, talking with other employees, gazing out the window, lighting a cigarette and going to a washroom. He would charge that time against the employee.

At the end of the day loafing time would be set off against portal-to-portal time, and the courts would then take over the job of making up each company's pay roll.

This is obviously not what the Supreme Court intended. But it is the logical outcome of its proclivity to usurp the functions of the legislative branch of the government in labor matters.

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LINGO

It should not be forgotten that the portal-to-portal pay scheme was devised by the Roosevelt administration as a subterfuge to give more pay to John L. Lewis' coal miners, while at the same time it pretended to be holding the wage-price line against inflation.

Nor should it be forgotten that Justice Black's participation in the original Supreme Court decision upholding portal-to-portal pay for miners was challenged by Justice Jackson, on the ground that Black's former law partner represented the United Mine Workers in the case.

Thus the background of the portal-to-portal litigation is tainted with hypocrisy and favoritism. Today the mounting suits threaten business, the federal treasury and even the financial soundness of the unions involved. The only participants who are sure to gain are the lawyers on both sides.

—*The Cleveland Plain Dealer*

PORTAL TO PORTAL: SOUND AND FURY

The mounting fury of the dispute over portal-to-portal pay is another index of the poor state of labor relations in this country. Where unions had reached maturity and collective bargaining had been securely established, such a dispute could hardly arise. But here the controversy inflames tempers on both sides and becomes another factor in the continuing warfare between labor and management. If it does not result in legislation on this particular issue, it will certainly give added impetus to the drive for generally restrictive labor laws.

The Wage-and-Hour Act of 1938 established a legal minimum for wages and a legal maximum for hours, but failed to define precisely the standard work week. Interpretation was left to the courts, and the courts have been doing their duty. The Supreme Court decision in the Mount Clemens (Michigan) pottery case was one of several rulings that have tended in the same direction, toward defining the work week to include time spent on the employer's premises and under the employer's control. The principle has already been adopted in some industries, and is a perfectly sound one.

But plastering industry with huge suits for retroactive pay is something else again. The logical and orderly way for labor to proceed was to seek incorporation of the new principle in wage contracts. In industries where portal-to-portal time is a significant factor, the unions would have an unassailable claim to compensation for that

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time in some form. They would then be merely demanding that wage contracts conform to the law as interpreted by the courts.

The suits for back pay, however, affront the sense of fair play. An attempt to collect astronomical sums for time worked *before* the present definition of the work week was established by the courts is dirty pool any way you look at it. Thanks to this ill-conceived strategy, the C.I.O. will be lucky to get off without an amendment to the Wage-Hour Act knocking out the courts' interpretation altogether.

—*The Chicago Sun*

"JUSTICE" COMES HIGH

Suits against Michigan corporations for "portal-to-portal" pay instituted by the United Automobile Workers have now passed $200,000,000 in payments asked.

Union leaders say the suits seek only "simple justice."

As some of the suits ask more than the defendant corporations have got, it is probable that some abstraction like "simple justice" is all that the workers can hope to get out of them. Excepting, of course, the opportunity to pay big lawyers' fees. Lawyers do not get portal-to-portal pay. Many of them have a simpler rule—"charge all the traffic will bear."

—*The Chicago Daily News*

THE PORTAL-TO-PORTAL ISSUE

Upward of two and one-half billions in claims for back wages have been filed by labor unions throughout the nation. Clearly the unions believe they have nothing to lose and everything to gain by this course. That, however, is a dubious assumption. Actually, union labor loses something with every new suit that is announced, in terms of the balance of strength between those members of the new Congress who favor punitive labor legislation and those who counsel moderation. It would be difficult to conceive of anything better conceived to play into the hands of the reactionary element than this newest demonstration of shortsightedness on the part of the union leaders.

Even at this early date it seems safe to predict that there is little chance of anything like the total of claims filed ever being realized. In the first place, the Mount Clemens case was a special one, involving unusual conditions and circumstances. The workers in this particular plant were called upon to perform a number of "preliminary duties," such as putting on aprons and overalls, preparing the equipment, sharpening tools, taping [illegible] fingers. These details were gone through in full or in part four times during the day;

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and it was that fact with which the Court was dealing. This is clear from its observation that:

> "When the matter at issue concerns only a few seconds or minutes of work beyond the scheduled working hours, such trifles may be disregarded as split-second absurdities."

In other words, the first hurdle that these suits face is that of showing that they should not be thrown out by the Court under the doctrine of *de minimis,* or as involving claims so slight as to be regarded as frivolous.

There is also to be considered the obvious determination of Congress to do something in the matter. Numerous proposals have already been put forward, and others, if necessary, will certainly be explored. Representative Knutson has suggested that a windfall tax be enacted for assimilating most, or all, back pay reimbursements wherever granted. And Representative Hoffman of Michigan is preparing a bill amending the Fair Labor Standards Act in such a way as to foreclose claims based upon the portal-to-portal principle.

Representative Hoffman's proposal would appear to be the most forthright legislative approach to the problem. The effect of such a law would not be to take away a vested right enjoyed by the labor unions. It would simply be to clarify the intentions of Congress with respect to a law which it had enacted earlier. It would, in short, be a positive Congressional affirmation of the doctrine stated negatively by Supreme Court Justice Burton (and concurred in by Justice Frankfurter) when he said:

> There is no evidence that Congress meant to redefine this common term ("work-week") and to set aside long-established contracts or customs which had absorbed in the rate of pay of the respective jobs recognition of whatever preliminary activities might be required of the worker by that particular job. * * * "Work-week" is a simple term used by Congress in accordance with the common understanding of it. For this Court to include in it items that have been customarily and generally absorbed in the rate of pay, but excluded from measured working time, is not justified in the absence of affirmative legislation.

—*The New York Times*

THE PORTAL-TO-PORTAL PAY GRAB

The inexcusable avariciousness which organized labor is evidencing in the nationwide filing of lawsuits demanding portal-to-portal pay is unexpected ammunition for its enemies.

Its unreasonableness in demanding retroactive remuneration

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under a legal loophole will add to the growing public demand that labor's power be curbed with restrictive legislation.

Whatever public sympathy remained with the unions is fast being dissipated by the short-sightedness of a relatively few labor leaders in filing suits already totaling over two billion dollars for back portal-to-portal pay.

There is, in the first place, no slightest doubt that labor is not morally entitled to the money thus sought. The contracts under which the work was done provided in no single instance for portal-to-portal pay. Labor agreed at the time to the conditions set forth in the contract and it ill becomes it to come forward at this late date demanding additional pay.

Apart from this, there is every reason to suppose the new Congress will move speedily to forestall such suits. And certainly it should. If they are ordered paid in the courts, it will be the Federal Government which will stand the bulk of the loss.

We do not believe the courts will uphold the unions' contentions in cases of back portal-to-portal pay.

And we are convinced that, even if they do, the Congress will pass a confiscatory windfall tax measure which will prevent the money going anywhere but back to the Federal Treasury.

The regrettable part of it is that, due to labor's short-sighted grab at this critical hour in its history, its cause may well have suffered irretrievable damage.

—*The Atlanta Constitution*

* * *

(New) English understatement: elderly woman, handing ticket issued September, 1898, to conductor of the New York, New Haven and Hartford Railroad, "I didn't buy this ticket today."

* * *

Several people who were in an accident near Aberdeen were lying in the road. Along came a native and said to a man lying on his back "Has the insurance man been 'roon yet?"

"No," he replied.

"Ah, weel, I'll just lie doon aside ye," said the Aberdonian.

Canning Trade.

* * *

The census taker had inquired about the political parties of a certain farm family. "Well, mister," the farm woman replied, "we are rather mixed up. I'm a Republican, my husband's a Democrat, the baby's Wet, the cow's a Dry, and dogs belongs to the Reform Party."

"To the Reform Party?" queried the solicitor.

"Yes, mister," the woman replied, "you see he don't do nothing but sit around all day and howl."

Capper's Weekly.

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Man Awake

The man who lies alone, awake
And staring in the empty dark,
For conscience, or a woman's sake,
Will hear, beside him, like the bark

Of a small, tireless hushless dog,
Time, ticking through the innocent clock,
And read his status like the log
Of a storm-travelled ship in dock. . . .

And what he thinks, and what he hears,
Are for himself and him, alone;
The sins, the sorrows, and the fears,
The dog unhushed for any bone,

Are not for others to be told
In any sharing: they are his;
And, weighing what he could not hold,
What is not, now, against what is,

He knows, at last, that both are nought,
The thing he lost, the thing he kept,—
And falls asleep upon that thought,
And wakes, surprised that he had slept,

Surprised at sunlight, and no dark,
At what will keep a man awake:
A clock that's like a small dog's bark,
A sorrow for a woman's sake. . . .

DAVID MORTON

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Torrey of M.S.C.

By Robert Francis

YOU couldn't find a better example of the triumph of mind over matter. And of the triumph of that mind over minds that have *not* triumphed over matter.

The lecture hall this morning is filled with college freshmen whose minds, thus far, are mostly of the untriumphant sort. Having had to choose either chemistry or botany, these freshmen chose botany. Perhaps they did it innocently, supposing it the lesser of two evils. Or perhaps, even before the opening of college, they had heard echoes of the Torrey legend.

One glance at Dr. Torrey tells you that he stands for mind, but at first you may miss the note of triumph. His slender, slightly stooped body seems designed chiefly to support the head, as the stem of a plant supports the inflorescence. His paleness in a plant would mean lack of chlorophyll. With his notes spread before him, he stands behind his desk contemplating the inrush of students with an expression of detachment, impatience and resignation.

The moment the bell rings, he sets his watch. Grasping a long bamboo pointer or a page of his notes and taking a few rapid steps to one side, he launches into his lecture so abruptly that the first words are scarcely heard. There is no flourish; he begins where he left off last time, and he left off last time wherever he was when the bell rang.

Can this be the man whom seniors at Massachusetts State College year after year voted their best teacher? The man who in his own lifetime is something of a legend?

Stay awhile and listen. You won't have to stay long to discover Ray Torrey's very un-plant-like animation. The sources of his excitement are his subject and his passion to make that subject clear to others. Like anyone excited, he talks fast. His drawing on the blackboard is fast too. The two things go on at the same time, tongue and hand rivaling each other in speed. When the blackboard is filled he erases with one hand and draws with the other.

He has been analyzing plant cells, probing deeper and deeper into their anatomy and mystery, reaching nearer and nearer the present limit of microscope and mind. "And that," he concludes cheerfully, "is the latest on protoplasm, the very last word, *hot off the griddle.*" Then sternly, almost angrily, "But don't get the idea that you or I or anybody else knows one d—— thing about cells or tissues or anything else." (He doesn't say "damned", he says "d", but his tone is warm enough for a dozen damns.)

Cells, did we say? He *was* talking about cells a moment ago, but at this moment he is talking about Russia or classical music or the Dark Ages or the Fourth Dimension. Like a magician, he can draw almost anything out of the tall hat of botany and do it so quickly you do not see the move. His avowed aim is not to

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teach botany merely, but to relate that science and all science to the whole of education, to philosophy, to history, to religion, and particularly to what a young man or woman is thinking in 1947. It all comes out of botany and it all goes back to botany, and nobody learns one whit less of botany for learning much besides.

The Fourth Dimension hops out of the hat as often as anything. He will draw you a picture of it on the board. As swiftly as that. First a line, then a square, then a cube, finally a tessaract. Doesn't logic compel us to postulate not only a Fourth Dimension but a Fifth, a Sixth, a Seventh, and so on? Time is illusion, time is Maya. And natural law he consequently defines as "the sequential manifestation of organized non-temporal heterogeneity."

A few freshmen bend over their notebooks, but most of the class sit in utter fascination, too wrapt to think of writing. Their eyes never leave his face as he tells them that in another million years some of them may conceivably be far enough along in the evolutionary scale to be at home in the Fourth Dimension. But as for now—he throws up his hands in despair. This generation represented here is about the most benighted of any since the Dark Ages. Indeed, it is doubtful if there ever *has* been another generation quite so earth-bound and sodden. He smiles sadly. "You've dropped so low that you can even tolerate those unspeakable juke-boxes." Then as an after-thought "Some of you may actually like them!"

At the shout of appreciative laughter, Torrey glances up almost in surprise and smiles. He has been keeping his glance lowered, like one who thinks aloud, perhaps like a preacher who prepares his sermons by saying them aloud in his study and who is startled suddenly to hear the response of a physical audience. Here is part of the man's power. Though he may have made a certain jibe or denunciation for 20 years, it comes out always as if for the first time. This most effective man never seems to speak for effect.

Meanwhile the 50-minute period has flown. Dr. Torrey looks at his watch—that accurate instrument of illusion—ses that he has one minute of Maya left, debates a split second with himself whether he should not fill that minute to the uttermost, then finally gives in.

"I know you're only sitting on the edge of your seats," he concedes with a grin.

So he throws up his arms half in surrender and half as if to shoo a flock of chickens. The flock, understanding that gesture, scatter.

Ray Ethan Torrey was born in the back-country township of Leverett just to the north of Amherst. Sprawling hills such as Brushy Mountain, Joshua Hill and Mount Toby (the eastern edge of it) take up most of the space. The scattered farms and hamlets have not changed conspicuously during the past 59 years. Lumbering and blueberry-picking are characteristic industries. The charcoal kiln beyond Rattlesnake Gutter in North Leverett still runs, but the box shop at the "center" closed down several years ago. Little except the screech of the saw in some itinerant sawmill disturbs the hills and valleys.

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The loneliness is relieved by occasional auctions, church suppers and Grange minstrels.

The resourcefulness, sharp perception and direct speech learned in that environment have not been obscured by erudition, a Harvard Ph.D. and foreign travel. Torrey's research in fossil woods connects with a boy's experience in sawing and splitting wood, and of hoeing beans with a hoe whose handle he knew the wood of. In his speech today racy colloquialisms jostle with Latin polysyllables. When he says, "Hot off the griddle," we get the picture as well as the meaning. The voice itself, its indefinable tones and inflections, is reminiscent of voices heard in town halls and churches all through the Massachusetts hill country.

When in 1919 Dr. Torrey returned to Massachusetts State College (his alma mater) to teach, he found the texts in botany in some ways unsatisfactory. So he wrote his own. Later, when he became convinced that most undergraduates wasted their time and multiplied their errors if required to make their own botanical drawings, he did a set himself—with expert precision—and had them published for use in his own and other classes. Part of the respect for Torrey at Massachusetts State is respect for this outstandingly thorough and well-organized course. Everything is based on what a student sees with his own eyes, with or without the microscope. But individual observation is checked and reinforced in every imaginable way: Socratic discussions and blackboard analyses during the laboratory periods, printed drawings to label and mimeographed summaries for the notebook, large colored charts and stereopticon slides at the lectures as well as mimeographed lecture outlines in advance for everybody, and finally Dr. Torrey's textbook, now grown to a volume of 449 pages with 252 illustrations most of which are drawn by the author. If a little botany doesn't stick to a student during the semester, it is not Doc Torrey's fault.

So much is clear. But if we stopped here, the picture would be one-sided. Torrey is everything I have said—and far more. He stands for the mind, but he stands more explicitly for the spirit. His scorn for materialism of every sort is not greater than his scorn for pure intellectualism, for science that is merely science. In his own words "the sole justification for the existence of colleges is the preparation of men and women for the conquest of the spiritual life." His lecture digressions, those surprising relevancies and irreverencies, have the intent of waking the mind in the hope of waking the spirit. Since the mind is notoriously sluggish and the spirit even more so, a shock treatment is in order. But Torrey would insist that to startle he has only to speak the truth.

To label him at all is a misleading limitation. His reading in history, philosophy and world scriptures is so vast and his thinking so vigorous that one does not regard him as a disciple or a follower of anyone or anything. Yet there is no point in glossing over what he himself takes pains to make clear. He is a Theosophist, and in his vivacious flow of speech "Maya" and "Karma" and "Nirvana" jostle with the Latinisms and the words from Leverett, Massachusetts.

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Theosophy does not banish mystery from the universe; it elaborates that mystery into a system. Fantastic? Yes. But are these Secret Doctrines of the Great Masters inherently any more fantastic than is the structure of protoplasm seen through the microscope? Or than the structure of the atom which is *not* seen through the microscope?

Dr. Torrey's "Friday Evening"—philosophical and religious discussions for a few elect spirits—are now an old tradition. The young men, perhaps a dozen, come in quietly at half past seven and take seats about the long table in the seminar room. The half-light comes from two shaded lamps on the table. No one smokes or laughs. No one smokes. When Dr. Torrey arrives, he seems with his briskness almost to wish to dispel the hush. As soon as he sits down, a student at his side begins to read aloud from a synopsis that Dr. Torrey has prepared for these meetings. This reading—only a line or two at a time—provides sequence of topics and continuity of discussion. Tonight the topic arrived at is Neo-Platonism and its background in the late Roman Empire.

With amazing ease Dr. Torrey's imagination ranges from age to age, from continent to continent, from hells to God and from Satan to 1947. "Everything is evolving, and the spiral is the key to, or the symbol of, that evolution. In another million years—Only a Theosophist or a geologist speaks of a million years with such assurance. The immediate prospect is dark. The atomic bomb and man's evil nature. But one need not worry, he adds comfortingly. We have all died many times already. Perhaps in another million years—

The young men about the table have not stirred in their chairs during the past hour and longer. They sit there, between the lamp-glow and the shadows, with an intense brooding wonder on their faces. The expression does not change. There is almost no motion. It is like a painting. It is as if Rembrandt had caught the mood in light and shadow and made it permanent.

Does Dr. Torrey see this, respond, draw emotional warmth? He scarcely glances at them. You would say his mind was fixed on idea, not on personality.

Yet in a moment he touches on the growing sense of loneliness in late Roman times—and today. He recalls a boyhood world where one had the assurance of belonging to a family group with its fellowship and security. Contrast *that* with living in a rented room.

His voice grows sterner. No one, he asserts, who has not despaired of everything else in life will embrace this doctrine. This little group here this evening is not really committed to the spirit. "Why, if a heavenly visitant came to any one of you tonight, you'd be scared out of your pants—if you had them on."

He glances at his watch. Ten fifteen. For two hours and three quarters the spell has lasted. Talk ceases, and the young men slip out.

This is the picture. Year after year always a few of the most earnest and promising students. Now and then an avowed disciple, who will probably remain a lifelong friend and admirer, though not a disciple.

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No man who thinks as unconventionally as Dr. Torrey and who says what he thinks with as much edge and gusto, can escape criticism. Time may have been when he was charged with meddling in subjects not in his field. That charge is not heard today. The need for just such "meddling" is too apparent and too urgent. A criticism that one does hear is that Torrey's shock treatment is too drastic and too unsettling for the more sensitive minds. True, we cannot all thrive on Mithridates' hemlock and dogwood. But for every exceptionally high-strung mind for whom Dr. Torrey has been too potent there must be a hundred robust minds for whom he has not been potent enough. We live in a world whose shocks do not grow less violent year by year. If a pale scholar is too much for our sons and daughters, what of the dictators and the atomic statesmen whom they will have to encounter? So long as we send our young men to flaming death in the sky, our solicitude for the tenderness of their minds will seem a little precious.

A more serious criticism of Dr. Torrey is that his teaching is sometimes dangerous, not in degree but in direction. Like his own teacher, Plato, he trusts in the concept of an élite. How does such a concept square with democracy? And what shall we say to the ethical basis of the teaching of a man who holds no hope for the present world and who is most scornful of the hopeful?

One morning he was lecturing on holism. He began with sponges, telling of a certain little sponge which when ground to pulp could reassemble and reorganize its parts and live. He went on to the social life of ants and bees, and to the beautifully coördinated flight of doves and starlings. Finally he came to man, the brotherhood of man. "I am the vine, ye are the branches." We seemed on the threshold of a better world.

Suddenly his tone changed to mockery. The brotherhood of man? Perhaps in a million years. Did anybody think we had it or could have it now? These namby-pamby reformers and wishers and planners and sociological clergymen! Evil is in the world and must be combatted. Let's polish our weapons and keep our atomic bombs!

And from such a kindly person. The little sponge can mend its injury, ant can live with ant, bird soar in harmony with bird, but man must postpone all thought of brotherhood until a new geological epoch.

However passionately one resents such a view, one settles down to the conclusion that the good in Torrey's influence far outweighs the harm. He gets his students to think. Having started to think, they can think their own thoughts. Some of them, the ablest of them, having felt the force of a man who is more the New England Old Testament prophet than the serene Eastern sage, will arrive in time at more beneficent philosophies of their own.

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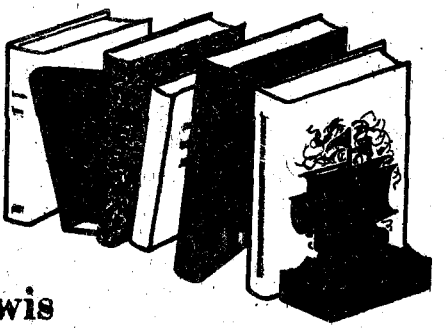
BOOKS
In Brief



By Jasper R. Lewis

"LIVES OF GREAT MEN REMIND US"

IT may well be that one of the secrets of a successfully written biography is the selection of a colorful, unusual figure as its subject. In this instance, there is no doubt of the subject, and there should be none about the biography. *Leo Tolstoy,* by Ernest J. Simmons (Atlantic-Little, Brown, $5.00), should be in the top rank of books of 1946, for interest, skillful workmanship and permanent value.

Simmons is an authority on Slavic languages, and this is not his first book on Russian literature. In this work he has had access to material collated for the Soviet Jubilee Edition of Tolstoy's works, intended to run through 100 volumes. It is to his credit that in nearly 800 pages he has avoided the mass of memorabilia and gleaned the facts, the influences and the results of Tolstoy's distinguished lifetime of 82 years.

Tolstoy did not rise from humble beginnings. His family is traced back to the time of Peter the Great; through the centuries its fortunes rose and fell, but always rose again in politics, wealth and position. Hence, for Leo Tolstoy there was no need for occupational gain. His university career was marked more by revolt against dogma than success in accomplishment, and his early years were modeled along the lines of nineteenth century upper-class life: excess, vainglory and army life. His first literary efforts seem to have been more or less sporadic, and even when he was at his best, long periods of unproductiveness with his pen seemed to be the rule.

Through most of his life, there was a more or less continuous battle between the creative artist and the social reformer. His troubles with the Orthodox Church, leading ultimately to his excommunication, were not founded on dissatisfaction with dogma alone. There was always the thread of realization that the church was in league with the Czarist government to hold the peasants in poverty and ignorance. The picture of Tolstoy, world famous for *War and Peace* and other volumes, working on the land as a peasant because of his principles, or walking barefoot through the country, typifies his economic resentment against his own class.

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The veneration of modern Soviet Russia for this early disciple of communism is understandable. Born to a vast estate, but fighting by word and deed for some justice for the serfs, he was a thorn in the side of family, friend, church and government.

His own love affairs appear of minor interest; while he preached against lechery and promiscuity, he personally fought temptation fiercely to keep himself within bounds. Once married, his chief domestic concern was incessant difference with his wife, though she bore him 13 children. With his social eccentricities, he must have been hard to live with.

His vision of world politics is apropos. In 1899, he wrote: " . . . peace can never be achieved by conferences or be decided by people who not only jabber, but who themselves go to war. This question was decided 1900 years ago in the teaching of Christ as this teaching was understood by Him and not as it has been perverted by the churches."

Lenin's description of him as, on the one hand, "an artist of genius, contributing incomparable pictures of Russian life," and on the other hand, "a land owner wearing the martyr's crown in the name of Christ" appears to describe well the Tolstoy that is brought to life by Simmons. Best of all, there is no stuffing or adulation to mar the lively progress of the story. Tolstoy's shortcomings are mentioned as casually as his great gifts, and the reader gains not only pleasure but an excellent understanding of Russian life in the past century.

* * *

As in the plots of the majority of his novels, the life of Honoré de Balzac appears to have been devoted to the study, pursuit or conquest of women. Stefan Zweig is said to have spent 10 years selecting the material for *Balzac,* A Biography (Viking, $3.75). After Zweig's death four years ago, the manuscripts were edited by his friend, Richard Friedenthal, and the result is sufficiently Balzac-like to read like one of his own novels.

Unlike Tolstoy's, Balzac's antecedents were lowly. With him life was a matter of earning a livelihood first; fame and fortune came after. Casting aside an early apprenticeship to the dull existence of a notary, he tried writing not because of a belief in his genius, but merely as one of the possible paths to success. His early efforts were fruitless, except of debts. What he wrote was mediocre, and when he became author, printer and publisher all in one, his reward was bankruptcy and near-disaster. It was only by means of the pot-boiling method, the "literary bureau," turning out book after book of trashy fiction under *noms de plumes,* that he succeeded in earning enough to support himself.

Following that period came the first of his own affairs, which provided him with women, financial help and encouragement. It was only when he had attained some success and public acknowledgment that his ambition set itself to chronicle the age in which he lived—the genesis of the *Comédie humaine.* A glutton for work, he was as extreme in his writing habits as he was prodigal in expending the financial results. From midnight to eight in the morn-

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ing he dashed off his work and, after brief respites, spent the remainder of the day correcting and rewriting.

His own love affairs, sometimes the outgrowth of letters from feminine readers, were less prompted by sentiment than imagination and the need for an understanding woman. He left himself no time to meet people, seeking what he needed in the vagaries of chance. What he wanted was a typical French marriage of convenience; a mature widow, well endowed financially. So there were a number of episodes in which he starred, much like his own heroes. Indeed, when he did marry, it was one of his former flames, Madame de Hanska, and it was not long before his death. During the years of his pursuit for her, his writing seems to have been in direct ratio to his proximity to her.

Zweig evidently worshiped the genius in Balzac, although he devotes little space to the literary side, taking that for granted. His object is to delineate the man for what he was: grossly materialistic, of tremendous vitality, and an opportunist, whether in love, the social field or his profession. The reader will see the seed of some of Balzac's plots in his own experiences, and his predilection for study of feminine character as a result of his own inhibitions and thoughts about women. Balzac's life story is typically Balzac, and Zweig has managed to maintain the spirit of the *Comédie humaine* in depicting the rise of perhaps the greatest figure in French fiction.

BRIEFER COMMENT

FICTION

As a means of introduction to the writer of some fine tales, *The Elizabeth Goudge Reader,* compiled and arranged by Rose Dobbs (Coward-McCann, $3.50), is to be recommended. Elizabeth Goudge, whose *Green Dolphin Street* was a prize novel, varies her themes from romance to stories of children, and always with a light, deft turn of words. A brief autobiographical sketch accompanies the "sampler" volume, and the samples are not fragmentary but satisfying.

That Skipper from Stonington, by Theda Kenyon (Julian Messner, $3.00), is historical fiction right here at home. It is based in the period of the War of 1812 and the war with Mexico. There is action at sea and at home, the latter interspersed with romance. It is a lengthy book, 538 pages, and recommended for adventure lovers.

Yellow Tapers for Paris, by Bruce Marshall (Houghton, Mifflin, $2.50), might be termed a worm's eye view of Parisian life in the four or five years previous to the fall of the city to Hitler. The worm is the poor middle class civilian, looking upward at the socially and politically elect and seeing the rottenness at the core of the economy. It is not a war story by any means. Marshall tells a good story well, with a touch of cynicism and a lot of knowledge of people and Paris.

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BIOGRAPHICAL

Louise Baker relates some of her experiences with life in *Out On a Limb* (Whittlesey, $2.00). An accident at the age of eight resulted in the loss of a leg; her childish tendency to profit from sympathetic parents and friends was halted by a spanking father who foresaw the consequences of too much fussing. Told with humor and insight into her own and other people's whimsies, it makes an amusing little volume, and it holds encouragement for others who may be handicapped physically.

White House Physician, by Vice-Admiral Ross T. McIntire (Putnam, $2.75), contains generalizations about the late President's physical condition during his incumbency. It is more devoted to substantiating the much discussed political and diplomatic theories and practices of F.D.R. The author in the course of his intimacy with the President learned some of the causes of policies and decisions. Unfortunately, most of his comment is loyal adherence to his chief's opinions, and not his own observation, except on the medical side.

Country Jake, by Charles B. Driscoll (Macmillan, $3.00), noted specialist in pirate lore and a columnist besides, is the story of his boyhood on a Kansas farm. It is the second of his planned trilogy, following *Kansas Irish.* It relates rough and ready farm life and also a bit of boyhood's dream of the future. Fine, honest autobiography and the problems of some 50 years ago.

The sentimental side of the life of Henri Murger, rather than the literary, is told in *The Legend of the Latin Quarter,* by Arthur Moss and Evalyn Moss (Beechhurst, $3.50). The lives of the struggling artists and writers is pictured much as Murger wrote of them in *Bohemian Life.*

What an American-educated Japanese has learned of our country, as well as his recollections of his boyhood in Japan, may be gathered from *A Brother Is A Stranger,* by Toru Matsumoto and Marion O. Lerrigo (John Day, An Asia Press Book, $3.75). Matsumoto's memories of Japanese life while in Japan are live descriptions, and his acceptance of American ideals seems genuine and intended to benefit those who must build the new Japan. The book reflects simple and earnest thought.

Rustle of Petticoats, by Renee de Fontarce McCormick (Houghton, Mifflin, $2.75), continues the autobiography of the author from the days of *Little Coquette.* She was in her teens, with the background the first World War. There were few inhibitions in her set, and romance was an art. It is delicious reading for the sophisticated, and must have been somewhat embarrassing for the translator, who happens to be her husband.

FICTION

A sympathetic outline of the lives of Japanese-Americans in an Arizona relocation center is *City In the Sun,* by Karon Kehoe (Dodd, Mead, $2.50). The difficulties and unpleasantness faced by the Nisei and other generations are detailed, as the author worked on a similar project.

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makes a human interest story ther than an imaginative novel.

JRRENT TOPICS

The remarkable thing about *South-n Exposure,* by Stetson Kennedy Doubleday, $3.00), is that the thor, a Southerner himself, talks untly about the backwardness of e South, its poverty, its racial views d its economic barriers. He bravely ves details of the K.K.K. and its rsonnel, criticizes Mark Ethridge d John Temple Graves, and pays s (dis) respects to Bilbo and the e Eugene Talmadge. It is educa-nal reading for anyone, and aight shooting.

Scientists Against Time, by James inney Baxter, 3rd (Atlantic—Lit-, Brown, $5.00), is the official idy of the Office of Scientific Re-arch and Development. The author as deputy director, and describes e problems posed for our scientists d their solutions. The history cov-s the organization and the various lds of study; weapons, chemistry, edicine. It is sober statement and ct, and not least is its confessions errors of policy at the top level.

Margaret Bourke-White contrib-es text and photographs of what e saw in Germany in *"Dear Fath-land, Rest Quietly"* (Simon & huster, $3.00). Some of the scenes ve already been pictured, but they e excellent for execution and dem-stration value. One gathers that e author hasn't much patience with e theory that the masses of the rman people were guileless, or at they have reformed.

The latest in the American Lakes ries is *Lake Champlain* and *Lake George,* by Frederic F. Van de Water (Bobbs-Merrill, $3.50). To the wealth of lore based in that region from the time of the first French invaders, and the historical development since the Colonies, Van de Water adds his usual able descriptions and delineations of character. It makes a refreshing narrative of the early history of the people.

The Rivers of America Series offers the *The Tennessee*: The Old River-Frontier to Secession, by Donald Davidson (Rinehart, $3.00). This is the river's history up to the Civil War, and it is naturally replete with Indians' and settlers' conflicts, adventure and legend. It tells the story of the State of Franklin, that short-lived domain.

Oil Across the World, by Charles Morrow Wilson (Longmans, $3.50), is the story of the development of pipe lines to transport first gas and then oil. War's Big Inch and Little Big Inch are the best known, but there were others a century or more ago. There is much information on present problems and methods of oilwell drilling.

The House of God, by Desider Holfisher (Crown, $3.00), is an album of photographs of cathedrals, churches and synagogues of the principal faiths and some of the lesser. There should be a lesson of some sort in the last few pages, showing an armed services turn-table altar revolved to suit the service of the moment.

If you have a flair for spirit mediums or spooks you might find *The Dead Do Not Talk,* by Julien J. Proskauer (Harper's, $2.00), enlightening. It gives the "low-down"

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on the folk who trade in such intangibles, and it is indeed low down.

Geography for Grown-Ups, by H. A. Calahan (Harper's, $3.50), is not orthodox geography but the story of the world and its natural marvels told in chatty entertainment. It is a new way of making intelligible many of the scientific lessons we should have learned in high school and college, but somehow, alas! have forgotten.

Ira A. Hirschmann presents a bitter condemnation of civilized countries generally and Great Britain specifically in *Life Line to a Promised Land* (Vanguard, $2.75). As a special representative of the United States, he spent time in the Balkan countries, particularly Turkey, assisting refugee Jews in their efforts to reach Palestine. His views on British policy are definite and accusing; he feels the Empire's colonial policy stands in the way.

A bitter challenge to Britain's attitude on the Palestinian question is *The Rape of Palestine,* by William B. Ziff (Argus Books, $1.00). It is reprinted in paper binding from the 1938 edition, and gives a description of the area, the part the Jews played on Britain's side in the first world war, and subsequent events. Th Balfour Declaration and the attitu of the mandate government are a alyzed by Ziff, who is ardent in h support of a Jewish state untrar meled and encouraged by other n tions of the world.

That there was a real prototype the Uncle Tom in Harriet Beech Stowe's *Uncle Tom's Cabin* is n generally known. Brion Gysin mak a compelling narrative of *To Mast —A Long Goodnight* (Creative Ag $3.00). It is the life story of slav born Josiah Henson, his escape int Canada and the slave conditions over 100 years ago. In addition the well told story, there is an Ear History of Slavery and the develo ment and solution of the question Canada, where Henson established Negro colony.

POETRY

Dr. Johnson's Waterfall and Oth Poems, by Helen Bevington (Hough ton, Mifflin, $2.00), is a pleasa collection of light verse, with th hallmarks of an author fond of book and authors, and a knowledge of co lege professors. Since her husban is one of the latter, she know whereof she writes.

* * *

Henry James lived next door to a millionaire who had made his fortune as a jam manufacturer. This manufacturer had married an earl's daughter and was trying to forget his former business.

One day Mr. James received an insolent letter from the millionaire complaining that the James servants were trespassing on his grounds. Mr. James wrote back: "Dear Sir: I am sorry to hear that my servants have been poaching on your preserves.

HENRY JAMES.

P. S.—You'll excuse my mentioning your preserves, won't you?"

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COUNTRY COMMENT

THERE always seems to be just one woodchuck around here. Perhaps the same woodchuck. Perhaps not. I have no way of knowing.

His burrow is just beyond my boundary where the land slopes steeply to a ravine, the hole a mere 50 feet from my few vegetables. Each spring I am faced with a choice: fence in the garden or kill the woodchuck.

At first, death seemed the simpler, and carbon disulfide the most effective and humane method. (I do not mean that the woodchuck would call it humane.) I soaked a rag, stuffed it down the hole, ignited it, and then closed the hole with earth. Quick asphyxiation was the intent, but after a decent interval of weeks or months the hole always reopened and the woodchuck reappeared. The same woodchuck or another. I do not know. If the same, he may not have been in the hole when I closed it.

This went on for several years, until I came to the conclusion that since the woodchuck would not stay dead, I would have to learn to live with him. Last spring I fenced my small garden and waited trustingly for the beans to come up.

Late in May a friend and I stood at a window and watched the woodchuck run vainly round the garden twice, now and then rearing up against the fence to peer over. My faith in fences was confirmed. But in July while I was in Vermont for a week, he burrowed under the fence and ate all my soybeans.

Death had failed. The fence had failed. What was left? I pegged down the fence and waited. Evidently the chuck, having eaten the soybeans, had had all he wanted from my garden. For the rest of the summer he stayed away.

Now it is February and he is sound asleep. Dead or alive he is sound asleep. Don't for a moment think that on the second or any other day of the month he do much as turns over in his slumber—at least not in New England.

It may be that I shall end up by accepting him. Some spring when he wakes —or comes to life—I may actually welcome him as one of the earliest settlers, or as a kind of outdoor pet, self-subsisting and unhumiliated.

On April 16, 1852, Thoreau cornered a woodchuck. Surely a historical moment when those two super-individualists confronted each other. Thoreau didn't intentionally pester him; he just scrutinized him with now and then a scientific poke. The chuck reacted precisely as Thoreau would have done in his place: gritted his teeth and stood his ground.

Rabbits and deer and frogs are always in the plural. The woodchuck is always *the* woodchuck. He is so much the individualist we even overlook his wife and children.

ROBERT FRANCIS

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The Theatre Arts

By John Gassner

BROADWAY'S first topical drama of the season, *Temper the Wind*, by Edward Mabley and Leonard Mins, brings sundry matters of import to our attention, and not the least important question is what place we may give to the so-called "problem play." Obviously a public institution like the theatre cannot, and should not, be insulated from the gusts of contemporary life. It is a mistake to assume that the stage is to be exclusively reserved for art of the highest order. There would be no theatre then. And even if we scaled down our requirements and made room for secondary accomplishments like the current *Joan of Lorraine* and *The Fatal Weakness*, there still wouldn't be enough grist for the stage. The first requirement for any institution is that it continue to function. You don't demand that the United States government stop functioning just because many legislative and executive acts are conceded to be inadequate or downright wrong. It is essential for the health of a government that it continue in business regardless of mistakes. And, as a matter of fact, that is precisely how the theatre functions. It admits many productions accepts some of them, kicks others out, and then admits new ones. In fact, it acts the warm and genial host to a great deal from Noel Coward's *Present Laughter* to Anita Loos' *Happy Birthday* which, on the highest principles, should be banished to Tartarus. This being so, the portals should not be closed to topical drama which represents the concerns of the body politic and fails to stand on its feet without the crutch of editorial journalism. If anything, the portals should be wide open to a play like *Temper the Wind* since the theatre, which uses a platform and collects a large number of people under one roof, is a forum as well as a temple, a museum and a show-place. If topical drama so often evidences inadequacies, isn't it better to favor inadequacies in the case of vital matter than to tolerate or overlook the shortcomings only too apparent in the vastly successful Helen Hayes showpiece, *Happy Birthday*, or the equally successful Ingrid Bergman vehicle, *Joan of Lorraine*, that fobs off the public with glossy generalizations on faith and an inconsequential picture

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ow plays are rehearsed. (I readily
ıt that it is easier to tolerate
py Birthday. Joan of Lorraine
pensates our kindness with some
moving scenes and with a tech-
e that adds a fillip to the pro-
ıngs!)

he authors and producers of
per the Wind feel keenly about
German problem.' This is hardly
cademic subject or a theme for
ical students alone when we con-
what the German problem has
ıt for several hundred individuals
ıe terms of life and death, hap-
ss and anguish, truth and false-
l, freedom and tyranny, Christ
anti-Christ, spiritual gratification
stultification of the soul. The one
g we forget in concerning our-
s with a problem play is that,
in the circle of the argument, lie
he human experiences and emo-
, that make up life in all its mul-
variety and intense singularity.
trouble with problem plays is
those who write them are so
y employed drawing the circle
they don't fill the inside. They
mpass a great deal of intensely
vidual reality but fail to provide
nple of that reality good enough
and for the numerous individual
riences that fall under such a
ing as the German problem. In
equence, we observe much, think
ı, and perhaps even feel much
mild way of what the threat of a
gent Germany can mean to
ıle, but we do not quite *experi-*
reality—which is what the best
enables us to do. This is the
lty the authors pay for starting
a concept rather than a charac-
To begin with a problem and
then create people to fit it, rather
than to let a problem grow out of
people, is a great risk for anyone
whose talent is not of the first order.
However, it is a risk that must, and
will, be taken by those who respond
to the contemporary scene. Whether
their talent suffices is something they
will discover only later on.

The new play revolves around a
German industrialist's effort to re-
open his factory in order to retain his
place in a cartel arrangement. With
the help of a complaisant American
business man, Herr Benckendorf is
about to open his plant when an
American occupation officer insists
that he at least discharge his Nazi
supervisors. At this point, the indus-
trialist, behaving like the Krupps and
Thyssens of recent memory, incites
his Nazi son-in-law to stage a riot
that ends fatally for an American
soldier and a German liberal. Over-
ruled once in the matter of opening
the factory, the American officer may
be over-ruled again by his supervisors.
But while he can, he arrests the in-
dustrialist, keeps the factory closed,
and expels the interfering American
cartel representative.

Temper the Wind is discursive,
frequently choppy, often expository
rather than dramatic and occasionally
flat. The production it receives under
Reginald Denham's direction is often
flawed. Only Herbert Berghof play-
ing a Czech officer is perfect in an
important part. Reinhold Schunzel
plays the role of the German indus-
trialist with sureness and understand-
ing, and Blanche Yurka delineates a
Prussian *grande dame* convincingly.
Nevertheless, *Temper the Wind,* is
the season's most provocative play so

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far. It drives home the all-important truth that Germany must not be enabled to start another war; that we must avoid all divisive influences and business considerations in seeing to it that Germany is never able to wage another war; and that we must be on guard against the charm and persuasiveness of the "sound" industrialists who provided Germany's war potential in the past. In the light of our feeble and muddled occupation policies, the warning is timely. Moreover, it presents the various facets of the situation with passion tempered with reason and with legitimate inconclusiveness on every point other than the essential one that we must not compromise on German disarmament and denazification. If the authors had only drawn the American officer as a rounded human being like John Hersey's Major Joppolo, and had derived *their* drama from *his* drama (which is unfortunately almost non-existent except for a tenuous relationship with the industrialist's daughter), they would have written an engrossing play. They have the material for such a play; they even have the insight for it; they are judicious characterizers and, now and then, penetrate the conditioned responses of Czech, German and American types.

By comparison with *Temper the Wind,* many recent plays, including successful ones, are weak precisely in those qualities in which non-topical plays are expected to excel. *Happy Birthday,* for instance, negotiates the ugly duckling or Cinderella theme. Not only does it fail to contribute an iota of meaning or observation to this hoary subject, but it provides no dimension for the Cinderella played Helen Hayes. If there is any dime sion, it is Helen Hayes who provid it. Cinderella is a mild, spinste librarian who is saddled with a bib ous father. She takes a few drin and the world is changed for h She clogs, croons and wins the m of her heart under the table. Sin Helen Hayes runs the gamut of h trionic dexterity, not superlativ but with odd competence for the fi lady of our higher drama, the res is attractive, popular theatre. Sin Joshua Logan staged this antic w great verve and blended the attr tions of musical comedy with the Ci derella fantasy, everybody is hap

In *Land's End,* Thomas Job, w benefit of a novel, engaged the Tr tan and Isolde theme against t background of modern Cornwa Surely an incentive for delving in human nature! Yet the charact were painfully shadowy, and p sessed far too little dynamism to ma drama out of one the world's old staples of romance and passion.

The Fatal Weakness, written by highly experienced a veteran George Kelly, concentrates entir on a recognizable character—t overly romantic, middle-class Am ican woman. George Kelly has ev attempted multi-dimensional char terization, since his heroine is bo romantic and sensible, vain and nob deluded and clear. Ina Claire brin all her well-known charm and acti virtuosity to the part. The results a moderately satisfying, and yet ev *The Fatal Weakness* fails to creat character in the complete sense. W cannot say of Mr. Kelly's woman t she *is.* We can merely say "such a

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traits exist." Nor can we say woman caused her own down- because we really never know she lost her man. More im- itly, we are never certain that ss means anything to her—or, at matter, that the loss *doesn't* anything to her. Human error ttle drama when wo do not what caused it and do not un- nd how much the penalty means individual. There must be a ning drive—positively or nega- —in a dramatic character, and can be no such drive in people re all things to themselves and

.

ie was when it was customary k airily about Bernard Shaw's to create living people. Yet it be evident, to anyone who *Androcles and the Lion* or has he American Repertory The- enjoyable revival of the play, ere is more life in the charac- f this minor Shavian contribu- han in most of our drama. A a, Ferrovius or an Androcles s a force—and life is a force— is what most contemporary terizations do not. If most of s persons possess a measure of himself, they at least incor- a very distinctive personality serts its life by strenuous move- in some direction on an intel- or emotional plane. When one nts a major play like *St. Joan,* idence is, of course, complete. side of Shaw's Joan, Maxwell son's (or Ingrid Bergman's) is a wraith. The former's Joan in and dynamo; the latter's is and martyr. Shaw's saint vi- with impulse, active thought and deed. Both Joans have faith, but for Shaw's it is a course of action, whereas, for the Anderson's, it is an attitude. Both heroines are subjects for an argument. Shaw's argument crackles with nuclear energy from the start; Anderson's considers, weighs and poeticizes. Shaw is supposed to be the modern theatre's prime dis- courser. He is that, of course. But Shaw's method is truly and pro- foundly dramatic. For all his mod- ernity of idiom and content, Shaw belongs with the Elizabethans he de- rided. Like them, he is a resolute in- dividualist (irony for the Socialist!), and like them he knew that people live most richly in, and through, their wills. It is the deficiency of will that is the canker at the root of our drama, and, from this deficiency, came most its evils and shortcomings —tepidity, nebulousness, prosiness. And this in the country that prides itself on being the citadel of indi- vidualism.

Don't make the mistake of assum- ing than an audience doesn't sense this. Undoubtedly more customers are satisfied with *Joan of Lorraine* than with *The Iceman Cometh* and *Another Part of the Forest.* But it is these last-mentioned plays that really jog a playgoer, even if his response is one of irritation or protest. In O'Neill's play there are many sche- matized characters, but Hickey is dynamic, dominated by perverse pur- pose, driven and driving. He is a tragic character, and his wrestling with himself, and the world makes tragedy. Lillian Hellman's Hubbards are also driven, and they drive them- selves and others. Since what drives them is ignoble, and since they do

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each other in, they belong to comedy. George Jean Nathan is quite wrong in measuring Lillian Hellman against Strindberg. No real comparison is possible. A more valid comparison would be with Henri Becque (*The Vultures*) and Ben Jonson (*Volpone*). Miss Hellman's mistake is actually expending too much energy on the piteous characters who contaminate the sultry comic mood with intimations of heavier content than the play can carry validly. But like O'Neill, although in a radically divergent mode, Lillian Hellman dramatizes by locating the dynamite in the ego and putting a spark to it.

The moral of all this—and here we return to *Temper the Wind*—is: how can we expect topical dramatists to accomplish what so many of their colleagues are unable to do without carrying the additional burden of a social problem. The fault, then, may lie not in the nature of topical drama but in a general deficiency of playwriting. Our age produces so many weak problem plays simply because it produces so many weak plays. It produces weak plays because it fails to produce dynamic characters. The vicious circle whirls and whirls—and squeaks and squeaks.

It is interesting to observe how grateful the public is for evocations of individuality and how willing it is to settle for a little well done. The success of Ruth Gordon's slender recollection of her stage-struck girlhood, *Years Ago,* is instructive. There is nothing striking in the story; the conflicts are mild; the crisis is a moment; and the climactic departure of Ruth Gordon for New York sets nothing on fire. What the play does have is people who communi themselves as people and precipi situations in terms of their charac which is only another way of say that they assert desire and within the compass of their huma and circumstance. The unpretenti charm of the writing strikes the ri note, and Miss Gordon is ably onded by her actors, Frederic Ma Florence Eldridge and Pat Kirkla If Mr. March's bellowing Fa Jones, Miss Eldridge's diplom Mother, and Miss Kirkland's ratt Daughter are hardly revelations is, nonetheless, sufficiently plea to spend two hours with them. T bread and butter humanity is mally nourishing and causes no digestion. Above all, their author the wisdom of refraining from pi huge chunks of meat and condim on the bread and forcing it into customer's mouth.

Moss Hart has been less disc in his divorce drama, *Christop Blake*. He has tried to tell his s of a little boy's anguish in a co room during divorce proceedings the twin planes of reality and fant He has done so with feeling virtuosity, and yet he has not ceeded in writing an engrossing p He has, indeed, come close to ducing something that looks like egregious platitude, as well as a s drama, which is a grave injustic an honestly felt emotion. Mr. H must have been actuated by two tives in alternating good, spare, r istic scenes with blown up exhibiti of his little lad's dream life. He m have been actuated by a desire showmanship at which he is a both as writer and director. He m

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have also wanted to convey a full realization of his child character and express the enormity of the child's anguish. Unfortunately, for all his elaborate machinery, Mr. Hart has failed to enable us to know his adults, and he has added very little to the child we get to know in the simple, realistic vignettes as played by the young and able Richard Tyler. Showmanship, and Mr. Hart has some fine scenes (the best is the boy's fantasy of a raucous courtroom interrogation), is engrossing only when it either enlightens or exists as entertainment *per se*. Showmanship in *Christopher Blake* often fails to illuminate Mr. Hart's drama and actually detracts from it. If he had either omitted his fantasies or kept them strictly in check, Mr. Hart might have been able to develop Christopher's parents. He could have kept Christopher as a continually and delicately engrossing character instead of using him as a peg for theatrical virtuosity. If the author had needed a lesson, he could have found one in Leopold Atlas' *Wednesday's Child* or Strindberg's *The Link*. I am sure that not many playwrights have approached a subject for a play with as much genuine concern as has Mr. Hart. Is it possible that he wanted to repeat the musical-comedy *tour de force* of *Lady in the Dark* simply because the formula had worked on the public; that he had too little to say and tried to make it bigger than it was; or that he attempted to cover up a deficiency of character knowledge and of combustive writing? The O'Neills and Strindbergs preferred the harder way of agonizing with their people and so achieved dramatic combustion. Showmanship is a good thing to have, but it is still no substitute for drama whenever drama is indicated—except at the box office and in the Hollywood studios.

* * *

"Decidedly, the verb 'to disarm' is an irregular verb in all languages. It can only be conjugated in the future and has not a present tense."

Edouard Herriot.

* * *

Ben was being taught to call his parents "Father" and "Mother." One night as he finished his prayers, he said: "Lord, bless Daddy and Mommy." Suddenly he paused and said solemnly: "Excuse me, Lord, I should have said 'Father and Mother.'" He meditated a while longer and concluded, "But, Lord, they are the same old parties."

Wall Street Journal.

* * *

A distinguished educator was a tutor in charge of student discipline at a New England school. On one occasion, he was called out of his room by a midnight escapade. He was obliged as a matter of duty to pursue the culprits, and, with his long legs, he soon found himself gaining rapidly on them. Then his solemn voice rang out suddenly into the night: "Gentlemen, gentlemen, if you don't run a little faster, I shall be obliged to overtake you!"

Still More Toasts.

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A Winter's Tale

From Topics of the Times

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THE sixty days following the winter solstice have a bad name in folklore. That bad name, like so many other things, began with the Greeks. Hesiod, who was writing poetry in Boeotia in central Greece in the eighth century B. C., was the first European we know of to voice complaints about the winter weather. And one can still sympathize with his point of view.

"Avoid the month of Lenacon [the latter party of January and the earlier part of February], bad days, ox-skinning days all," wrote this farmer-poet in "Works and Days." The figure of speech sounds less like classic Greek restraint than familiar American "tall-talk." It would be quite in character for a Western cow hand to talk of a wind "sharp enough to skin a steer," for when the north winds blow across the plains he has been known to lament that there was nothing between Texas and the North Pole except a barbed-wire fence. But there it is in the Greek—"boudora panta," "ox-skinning (days) all"—written about 2,700 years ago. The Greeks, of course, have had a word for "tall-talk"; hyperbole is a good Greek word.

One does not think of Greece—a country famous for blue skies and pure air—as another Alaska. But the winters there in Hesiod's day were nothing to jest about. When Boreas, the north wind, roared down over Thrace upon Boeotia "then earth and forest howl." Great oaks and pines crash in the forests. "All the immense forest roars. Wild beasts shudder and put their tails between their legs, even those whose hide is covered with fur." The cold penetrates the hide of the ox and the goat's fine hair. The thick fleece of the sheep resists the wintry blast, "but it makes the old man curved like a wheel."

Deserted by their bright god Helios, who in winter was going to and fro over the dusky men of Ethiopia, the Hellenes were unhappy.

But the Greek countryman, like his counterpart everywhere, had to make the best of it. If he followed Hesiod's advice he would put on a warm tunic reaching to his feet and over that a soft cloak. He would lace on his feet boots of ox hide thickly lined with felt. In addition he would make himself a raincoat of kid skins stitched together with ox-sinews. Upon his head he would wear a cap of felt "to keep your ears from getting wet." He would aim to finish his work early and get home before the chill mists of evening hid the landscape.

He would not waste time, however. "Pass by the blacksmith shop and its crowded lounge in wintertime when cold keeps men from work," Hesiod advises. "Then an industrious man may do a great deal to improve his house—lest a bad winter catch you

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unprepared and poor, and you have to chafe a swollen foot with a shrunken hand."

Stories of winter hardship are a part of American folklore, too. There are people still alive who can tell hair-raising tales of the winters endured by the homesteaders of Nebraska and the Dakotas. New Yorkers have never been allowed to forget that Blizzard of Eighty-eight. New England winters, since the first "starving winter" of the Plymouth colony, have become legendary. It was no accident that Whittier's "Snowbound" became an American classic, for to be snowbound for days or weeks, or even all winter long for the women of the family, was no unusual experience.

But we have changed all that. We hear more of winter sports than of winter hardships, of snow trains instead of snowbound wagon trains, of bobsled and toboggan outings instead of people lost in blizzards. While a number, large in the aggregate but small in proportion to the Northern population, rush off to Florida when the snow flies, most of them do very well with the winter "up North." One remembers a hardy Canadian living at the top of Lake Superior who said: "When the thermometer gets *up* to zero, we unbutton our vests."

But for the modern Greeks it is another story. There this winter will bring cruel suffering. Many a Greek farmer will have no warm tunic, no soft cloak, no ox-hide boots, no cap to keep his ears from getting wet, when Boreas, as in the days of Hesiod, roars down over Thrace and makes all the woods howl. He will have no shelter against the chill mists of the evenings. He will have no food in his storehouse. Many a Greek in the cities as well as in the country will "chafe a swollen foot with a shrunken hand." Many an old man facing the wind will be "curved like a wheel."

The history of Greece has been strange and varied, but there is a definite continuity about the weather. "Ox-skinning days" have come to Greece again. Hesiod's vivid description of a Greek winter cannot fail to impress us with the need to help the Greeks today.

* * *

The treasurer of the W.C.T.U. charging our distillers with selling "blended whisky" which is nothing more than a mixture of alcohol and water with a small amount of real whisky added for flavor. . . . "If you look hard enough, a description of the product is found in extremely small type, often on the back label." (Now how do you suppose she found out!)

* * *

A lady complained to her station attendant that her car was jumping. The attendant checked the car, and found that one cylinder wasn't hitting.

"Lady, you have a cylinder missing," he told her.

"I don't see how that could be," she frowned. "I keep my garage locked all the time."

Jobber Topics.

* * *

Many persons who pose as fountains of knowledge are intellectually nothing more than little squirts.

Grit.

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Collector's Item

By Don Rose

From his column in The Evening Bulletin

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THERE is inflation among the bibliophiles, as there is at the lingerie counter. On a recent shopping prowl I met a nice number in nightgowns, which you may suppose are none of my business, and the fancy price was $59.95. Read it backward and it still spells inflation. It is also inflation when a manuscript copy of *The Adventures of Tom Sawyer,* including 17 pages in the handwriting of Samuel L. Clemens, sells at auction for $2,400.

Modern authors groan when they hear that a few pages of bad handwriting may be worth more than the royalties on a good book. Another sad thought for today's writer is that posterity will never be able to purchase their original manuscripts, because there aren't any. It is unlikely that the typed manuscript of the best seller of 1946 will be worth more than wrapping paper a century from now. Also the author's wife threw it out six months ago. An author's workshop must be cleaned sometimes, or he will be smothered by his own rejected manuscripts.

Authors may wonder sometimes what memorials of their work will be considered precious by collectors in the far future. There may be poor pickings for posterity. A nice figure may be paid for the author's contract with his agent. There may be correspondence between author and publisher which will yield a few amusing items. A libel suit may invite brisk bidding at the auctions; also the original indictment of the publisher for circulating indecent material through the U. S. mails.

It is unlikely that the author's typewriter will last that long. A typical author's typewriter is held together by faith and his wife's hairpins. His fountain pen was permanently mislaid during an autographing session in a bookstore. There will be no ink stands or penwipers to be regarded reverently as the souvenirs of literary greatness.

Collectors may be interested in paper napkins used at the publisher's cocktail party in honor of the author's book, at which everybody got half stewed and eventually forgot what the party was about. There may also be a collection of letters addressed to the author, inviting him to address ladies' clubs and hinting that his hearers will rush to the nearest store, after the meeting, and buy the book by dozens Actually, one member of the club bought a book and the others borrowed it.

By then the original manuscript of "The Adventures of Tom Sawyer" will be selling for $2,465,000. It isn't worth that much now, but it has only been sold seven times since Mark Twain wrote it.

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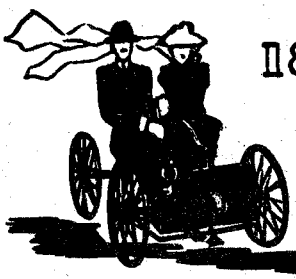

1897 - 1947 50 YEARS OF FORUM

Let's look back 50 years and see what they had to say in 1897 about the United States' electoral system, education, armaments and strategy. Note the curious similarities in the controversial issues of 1897 and today.

> *The good old days are past, when the gunner would affectionately pat his gun and invite "the old girl" to bring down the enemy's flag, and then leisurely aim at the topmost of some old wooden tub a quarter of a mile away, speeding along at the rate of four miles an hour. We shall, in future, begin to fire at a range of* 10,000 *yards at ships having a speed of twenty knots an hour; and we shall not be able to waste many rounds at four or five hundred dollars a shot.*

"But if the example of Germany clearly illustrates the value of freedom in teaching, it proves also that this freedom demands a special organization of the University. This freedom has been able to flourish only to the extent that the University has divested itself of School influences and become a center of scientific investigation."

> *In a free country, the will of the majority, or of a plurality—when constitutionally expressed in the form of a law, or in the selection of public officials, ought to govern; and the minority cannot rightfully complain when its votes are merely lost, or prove ineffective. But when they are transferred to, and counted for, the majority, as they are now in choosing electors, there is just cause for dissatisfaction.*

A Prophecy—1897

"It is the logic and lesson of current history, that the greatest of wars are yet to come; for the nations are spending money, time, and toil in learning war, with an extravagance incessantly increasing as the later years of the century are numbered. We should heed the humiliation of China by the inferior force of Japan,—a discomfiture due to insufficient equipment. It is but our duty."

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Highlighting
The International Scene

Though 1947 is still in its infancy, the salient problems of the year are easily foreseen. In the coming months a wagonload of international conflicts will have to be transported from the chaotic present to a bright new world by three uncongenial lead horses, two wheel horses and 50 smaller animals pushing from behind. Whether the task can be successfully completed, what the outcome will be, will depend largely on whether agreement can be reached between Russia and the Western powers. Can the opposite philosophies of capitalist United States, with its belief in free enterprise, Socialist Great Britain, with its attempts to reshape the empire and to nationalize its economy, and Communist Russia, with its credo of class struggle, be reconciled?

First among the sore-spots of Big Three discord is Germany. The success of the Foreign Ministers Moscow meeting on Germany, scheduled for March 10, is doubtful unless all nations represented make certain concessions and work to establish a general attitude of trust.

Although central Europe is the focal point of international discord, the infection has spread through both the Balkan and Iberian peninsulas.

On January 15, the United Nations commission commenced its investigation of the Balkan situation, to find the facts causing the constant outbreaks of frontier warfare in this second danger area. The trouble stems partially from the division of the Balkan peninsula into rivals for territory and national minorities, and partially from the countries' political structures, (pro-British Royalist Greece, and Soviet orientated Albania, Yugoslavia and Bulgaria) which mirror the basic conflict between Russian and Western philosophies.

The third big question mark for 1947 is what to do with Franco Spain. Russia speaks for strong action to oust the anti-Soviet dictator, while Great Britain and the United States are reluctant to interfere in Spain's internal affairs, and are chary of a possible turn to Communism after the overthrow of the Franco regime.

Just where are we headed in 1947? In the middle east, Palestine hopes for solution of internal strife. The British government is reportedly "ready to give full and serious consideration" to partition of Palestine into free Jewish and Arab States. India will frame a constitution but must find a workable compromise between Moslems and Hindus to protect her future independence. Egypt looks for reconciliation between Wafdist and government factions and substantial advances toward independence.

In the Orient the die will be cast to determine the stability of Asia

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when China sets herself on the path of peace or of devastating warfare between the rival Kuomintang and Communist factions.

A new Japan is being molded under the supervision of the Allied Occupation. Will the undercurrents of unrest in Japan bubble over the sides of the outward calm, or can Japan be guided into a comparatively untroubled state after the signing of a treaty?

"I Am Not Taking Part"

The air was heavy with words and discordant opinions as the United Nations Atomic Energy Commission on December 30, 1946 by a vote of 10—0, with Russia and Poland abstaining, sent its recommendations to the Security Council. Twenty-eight weeks and 82 meetings finally boiled the issue down to: Shall the Big Powers be required to surrender their Security Council veto power over punishment of atomic violators as a prerequisite for United Nations action on atomic control?

The United States maintained that surrender of the veto is the *sine qua non* of international atomic control.

The Soviet Union maintained that the dropping of the veto on punishment would be "obviously a violation of the [U. N.] Charter."

The former United States representative on the Commission, Bernard Baruch, stated, "It has been said that if a great nation decided to violate a treaty, no agreements, however solemn, will prevent such violation; that if a great nation does not have the right to release itself from its obligation by veto, the result will be war. . . . Let all nations that willingly set their pens to the terms of this treaty realize that its willful breach means punishment and, if necessary, war. Then we will not lightly have breaches and evasions. . . .

"Gentlemen, it is either—or. Either you agree that a criminal should have this right . . . or you vote for this sound and basic principle of enduring justice and plain common sense."

Although Poland abstained in the final vote, Russia's Andrei Gromyko did not abstain in the technical sense. He simply stated, "I am not taking part in this discussion."

The failure of Russia and the other members to come to agreement leaves the basic problem unsolved. After the report was submitted, Bernard Baruch handed in his resignation as a member of the commission, in the hope that the move would facilitate international compromise.

The final choice of "Either—Or" on Atomic Energy Control rests with the Security Council.

Toil and Tears

The average American pictures the post-war Briton as a miserable creature wrapped in aged and oversized sweaters, shivering before a coal

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grate (in which only one coal is burning). The Briton stands beside a table, gazing at a bowl with a month's supply of eggs, namely, one egg. The most fanciful Americans complete the scene by the entrance of an American carrying in one hand a bright orange, at the sight of which the Briton swoons. The picture is, of course, exaggerated, but the idea is substantially correct. And all of this proves to the American that it is distressing to undergo social revolution.

On New Year's day some Britons agreed, depending which side of the fence they were on. New Year's Day had a new name, Vesting Day, when title to the cable and wireless industry and the coal mines passed from private to government ownership.

Britain's coal is without doubt the greatest of her economic problems. In 1946 there were only 691,000 miners at work in Britain, and nine years earlier there were 975,000 miners. A British coal miner produces only 1.03 tons daily—one-fifth of the average production of an American miner. The low productivity is partially due to the fact that British coal seams are generally far less accessible than American and partially to the fact that British colliery management has not kept up with technological advances. The new National Coal Board plans to spend $640,000,000 in a seven-year modernization program. But whether nationalization of the coal mines will relieve the present crisis and produce more coal is doubtful to even the staunchest supporters of the move.

Now that the Nationalization wheel is rolling, the British railway system will be carried along. On December 18, by a vote of 362 to 204, the bill calling for government ownership and integration of four major railway companies, including inland-waterways shipping, long-distance truck haulage, and the London tube and bus system, was passed after considerable criticism. Many thought it to be an ill-considered move carrying out with consistency Socialist doctrine at the sacrifice of general welfare.

"Several provisions of the bill will quite clearly tend to increase costs and lower efficiency. . . . The bill will create administrative organisms of gigantic size . . . stiff and cumbrous in action, hide-bound and soulless in their approach to the transport-using public."

With this dour picture presented by Opposition spokesmen in the House of Commons' debate, we leave the Briton to travel on his nationalized railway.

In the Orient

The oft-postponed turbulent National Assembly of China brought forth on Christmas Day a new Constitution for China. The Constitution provides for equality of all persons, racial groups, sexes and individuals regardless of party; for secret ballot and universal suffrage for all over 20.

The last session of the National Assembly also decided that the new Constitution will come into effect on Christmas Day, 1947, and elections of the new government will be completed by September.

The Constitution was greeted in many circles with enthusiasm but the

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Communists (who boycotted the Assembly that framed it) will not recognize the document. The big question is, can the Constitution be generally accepted when many doubt that the constitutional convention was truly representative of China. Those with the loudest expressed doubts, will unquestionably be the Communists.

Herblock in *The Washington Post*
"WHAT'S COOKING?"

The Viet Nam Republic in Indo-China is the scene of renewed strife. Last March the French recognized the Viet Nam Republic as a republic and a part of the "French Union." No boundaries were established, but France claimed that the Republic included Annam alone, whereas the Viet Nam nationalist leaders insisted the republic should also include: Cochin-China, Cambodia and the territory of Laos. The nationalists claim that that Cochin-China should be included because its people are mostly Annamese. The French agreed to hold an election so that the wishes of the Cochin-Chinese could be freely expressed. However, the French insisted that separatist propaganda in Cochin-China cease.

Numerous letters have been exchanged between the French and President Ho Chi Minh of the Viet Nam Republic, but hopes for settling the conflict dwindled when the French failed to reply to the President's peace feeler.

The presence of armed forces in Indo-China also do not indicate early termination of the strife. According to estimates, Viet Namese regular troops number between 35,000 and 85,000, many of whom were Annamese nationals serving in the French army. Their arms include Japanese, American and French rifles, mortars and field guns, plus some field artillery taken from the French and Japanese.

French forces, reportedly numbering 60,000 are under the command of

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General Jacques Leclerc, and include some German deserters from the Wehrmacht who joined the French Foreign Legion.

The recent cuts in the price of butter have brought a happy smile to the face of the American housewife, for it looks as if food price inflation is passing its peak. But in Italy the picture is a grim one; the price of basic foodstuffs is 135 times higher than in 1939, while the average wage is only 15 times higher.

In normal times the average Italian eats a pound of bread a day; a third of a pound of spaghetti and a fifth of meat. In 1939 this diet cost him: bread, half a lira; meat, three and a half lira; spaghetti, forty centesimi (100 to a lira).

Today, with the lira worth about a half-cent at the official rate of exchange, the same diet costs: rationed bread, 24 lire a pound, black market, 119 lire; rationed spaghetti, 6 lire, black market, 100 lire; meat (unrationed) 80 lire. Across the border, the French housewife must figure prices in multiples of "sous", which are 5 centimes or one-twentieth of a franc. A franc is worth slightly less than nine-tenths of a cent. For the simple purchase of a 23-cent quart of milk in the United States, she would have to pay over 115 sous. Even the 5 per cent price cut ordered by Leon Blum's government will save her only 1 out of 20 sous.

The Domestic Scene

While the country stood by with one eye fixed on the fight in Congress to unseat Senator Bilbo and the other cocked on labor's "Battle of the Portals", post-Christmas prices took a sudden plunge, leaving the housewife breathless. . . . Secretary of Agriculture Anderson responded to the sharp decline in prices by ordering an investigation of possible illegal monopolistic control of prices. . . . Governor-elect Talmadge of Georgia died on December 21, leaving the office he was to have occupied on January 13 vacant. To further confuse the situation, Georgia politicians could find no provisions in their state Constitution for naming a successor in such a situation. . . . The Federal Government instituted a new housing program, putting non-veterans on an equal footing with veterans. . . . After a year in office, George E. Allen, director of the Reconstruction Finance Corporation, resigned his post. . . . The Republican party was still in an uproar over ex-Governor of Minnesota Harold E. Stassen's precedent-shattering announcement that he considered himself a Republican presidential candidate. . . . Leading contenders Robert Taft, Ohio Senator, and Thomas E. Dewey, New York's Governor, continued to deny that they were interested in the presidency. . . . James F. Byrnes resigns as Secretary of State and is succeeded by George C. Marshall. . . . President Truman declared hostilities of the World War II at an end on December 31, and on January 6 he gave his annual report to the new 80th Congress. The President told the predominately Republican Congress, "I realize that on some matters the Congress and the President may have honest differences of opinion. . . . On some domestic issues we may, and probably

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shall, disagree. That in itself is not to be feared. It is inherent in our form of government. But there are ways of disagreeing; men who differ can still work together sincerely for the common good. . . . The power to mold the future of this nation lies in our hands—yours and mine, joined together." Most important in the 50-minute speech, which drew hearty applause from Republicans as well as Democrats, was the President's desire for immediate action to correct labor's abuses, especially what he termed "unjust strikes."

"Mississippi Mud"

Democratic Senator Theodore G. Bilbo, better-known as "The Man", weathered renewed storms of Congressional investigation concerning his not-so-honest campaign for re-election to the Senate. Contractors at the Congressional hearing admitted paying the Senator in gifts ranging from a Cadillac to a swimming pool, but claimed that "We always elect poor folks in Mississippi". Acknowledging the gifts, Bilbo replied, "It's just an old Southern custom." He vowed to pay for them as soon as his health permitted.

Charges against Bilbo were numerous. Michael T. Morrissey, Vicksburg contractor, told how he aided in building a lake and a swimming pool on the Bilbo "Dream House" estate at a cost of $3;627, charged to Keesler Army Air Field which he was helping to construct. John R. Junkin, Natchez sand and gravel dealer, poured the concrete for the swimming pool, and sent the bill of $1,194 to Bilbo marked "paid". Contractor Maurice T. Reed donated $3500 to the Juniper Grove Baptist parsonage Bilbo was erecting on his estate. Another contractor, F. T. Newton, had given Bilbo $25,000 to back Wall Doxey in the 1942 Senatorial campaign. Bilbo used the money for other purposes, and Doxey was defeated.

Further accusations were hurled at Bilbo by his former secretary, Edward P. Terry, who had been unwilling to testify against Bilbo at first because of anonymous threats on his life.

On New Year's Day, the Senate War Investigating Committee accused Bilbo of "engaging in illegal practices" and of "improperly using his high office of U. S. Senator for his personal gain". The Senate debated among itself whether to refuse to swear in Bilbo or whether to swear him in to the 80th Congress and then oust him. Southern Democrats promised to filibuster to save Bilbo. A day-long fight (during which time only one Senator was sworn in) ended when Bilbo sent word that he wished to be excused for a few months to have an operation on his mouth. Congress concurred, Bilbo left to have the operation, the swearing in of the rest of the Senate continued, and Bilbo's credentials lie on the table until he can return and defend himself. Cancer of the mouth saved a ticklish situation, for the time being.

"Portal-to-Portal"

Shortly before Christmas, the United Steel Workers (CIO) announced that the claims they had filed against two subsidiaries of United States Steel for back "portal-to-portal" pay amounted to more than $1,000,000,000, and they were still coming in. It was predicted the total would reach five or six billions. Portal-to-portal pay includes pay for time spent on company

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grounds preparing for work. This includes walking from the gate of the plant to the workshop, punching the time clock, donning working clothes. Based on a Supreme Court ruling of June 10 which said: "Since the statutory work-week includes all the time which the employe is necessarily required to be on the employer's premises, on duty, or at a prescribed work place, the time spent in these activities must be accorded appropriate compensation", the claims go as far back as 1938, and it will be up to Congress to limit its retro-activity and re-define the work-week.

At the present time, state limitations are a safeguard although they are not uniform. California has a three-year limitation on retroactivity, Illinois has a five and Michigan, New York and Pennsylvania a six-year limitation.

Meanwhile, the CIO Wage Research Committee reported at the year's end that industry's estimated profits for 1947 are $15,000,000,000 and a 30 per cent wage increase could be extended without a new rise in prices because of promised increases in productivity.

Christmas Present

With prices of commodities at a record high until Christmas, a sudden and unexpected change took place the day after. Prices zoomed downwards, wavered for a day, then spiralled up again. Wholesale butter and eggs led the parade. Butter fell off ten cents a pound in New York and Boston. Eggs dropped five cents a dozen. Grapefruit were three cents apiece in Chicago, and canned fruit juices in Philadelphia were selling at one-third the November levels. In Washington, men's white shirts dropped from $3.98 to $1.98 and nylons were 72 cents a pair. Fur coats were offered at half their usual cost, and on the Pacific coast, women's clothing was reduced one-third.

Why prices dived was not explained.

Herblock in *The Washington Post*
"WELL, WELL—ANOTHER MIRACLE!"

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Theorists pointed out that prices had been so high, they had to come down. Nevertheless, in New York, Governor Dewey ordered an investigation to see if any under-handed work had been connected with the price drop, and in Washington, Secretary of Agriculture Clinton Anderson did likewise.

Much Ado About Talmadge

Sixty-two-year-old Eugene Talmadge, Governor-elect of Georgia, died 23 days before he was to take the oath of office, throwing the state into political turmoil. What happens when the Governor-elect dies before he takes office? In Georgia, the state Constitution doesn't provide the answer, and so, would-be governors and their backers battled it out tooth-and-nail. Three men were mentioned for the post, Ellis Arnall, present Governor; Lieutenant-Governor-elect M. E. Thompson, and Herman Talmadge, son of the deceased Governor-elect. Arnall announced his intention of remaining in office until the Lieutenant-Governor is sworn in, then resigning his office in favor of Thompson. Thompson himself was eager to get the post, while backers of Herman tried to convince Georgians that he is the logical successor to his Dad. Herman is said to be a carbon copy of the late Governor-elect, an advocate of "White Supremacy" and a champion of the Ku Klux Klan.

"The Early Bird"

When former Governor of Minnesota Harold Stassen called Washington newsmen into the Mayflower Hotel on December 17 and told them that he considered himself as a candidate for the 1948 Republican nomination, he not only upset tradition but stirred up confusion among Republicans who are still trying to straighten out the jig-saw puzzle of "who should get what". Heretofore, it has been customary for possible candidates to deny firmly that they will run—that is, until they are nominated. Stassen not only told reporters he was a candidate, but went on to state his policy. He favored industrial peace, high production, higher incomes for white collar workers, corrective labor legislation, and consumer resistance to high prices.

Meanwhile, logical contenders for the title of Republican nominee adhered to the traditional negative response. Senator Robert A. Taft of Ohio gave his verdict in one word: "No!" Governor Thomas E. Dewey of New York replied, "Certainly not." Senator Arthur H. Vandenberg, foreign policy expert, said, "I am not a candidate for the Republican nomination and I anticipate no campaign on my behalf." Senator-elect John W. Bricker told reporters, "It's a wide open race; anyone can come in." California's Governor Earl Warren reaffirmed his refusal by saying, "My situation is unchanged."

On the other side of the fence, President Truman's stock seemed to rise after his triumph over John L. Lewis. Considered too meek to oppose the burly labor leader, Truman won the battle without landing a blow when Lewis yielded a day before the President was scheduled to talk to the nation over the radio. Alf M. Landon, 1936 GOP presidential nominee, after a visit to the White House, took it for granted that Truman would be the Democratic candidate in 1948. "Who else is there?" asked Landon.

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Peace—It's Wonderful!

On December 31, 1946, hostilities of World War II officially came to an end at 12 o'clock noon. Such was a proclamation by President Truman, and the proclamation automatically killed 18 wartime statutes and limited the life of 33 others.

Those wartime emergency measures which terminated were:

1—*That Section of the Amended Draft Act of* 1940 permitting the Government to take over industries strike-bound or about to strike. The Government is allowed, however, to operate those still seized, including the soft coal mines, for six months.

2—*Act of June* 15, 1943, relating to training of nurses for the armed forces.

3—*Section* 23 (*Q*) *of Internal Revenue Code* permitting deductions for certain contributions by corporations where payment is made within taxable year beginning with termination of hostilities at noon today.

4—*Internal Revenue Code Section* 1830 providing for tax-free removal of playing cards to U. S. territories for use by armed forces.

5—*Internal Revenue Code Section* 2135 (*A*) (1) providing tax-free shipment of tobacco, snuff, cigars and cigarets for use of armed forces.

6—*Act of Feb.* 25, 1944 (*Section* 124) (*E*) (58) *Stat.* 21, 45) certain amendments to Section 114 of Internal Revenue Code relating to percentage depletion.

7—*Section* 47 (*A*) (10 *U. S. C.* 441) *of National Defense Act* authorizing Secretary of War to maintain instruction camps for Reserve Officers Training Corps.

8—*Action of March* 4, 1915 (38 *Stat.* 1078) as Amended, providing that except upon his own request no officer or enlisted man shall be required to serve more than two years in certain foreign stations, except in case of insurrection and other contingencies.

9—*Act of June* 26, 1946, limiting award of certain decorations for acts or services performed during period of hostilities.

10—*Act of May* 14, 1940, permitting President to authorize additional enlistments in Army Medical Department.

11—*Act of July* 9, 1918, as amended, providing that any proceeds received from operations in the field overseas shall be available "for the purpose of such utility" until the close of the fiscal year following that in which the proceeds are received.

12—*Act of Dec.* 22, 1944, relating to construction of public works on rivers and harbors for flood control.

13—*Act of June* 30, 1945, *Section* 607, providing exemption of War and Navy Departments from that part of Federal employes pay act fixing personnel ceilings by the Budget Bureau.

14—*Act of Dec.* 16, 1944, extending educational benefits to children of war veterans.

15—(*A*) *Act of March* 24, 1943, making eligible for vocational rehabilitation any person serving in the armed forces up to the termination of hostilities.

15—(*B*) *Act of Dec.* 28, 1945, making special provision for immigration of alien spouses or children of United States citizens serving in armed forces.

15—(*C*) *Act of July* 31, 1946, extending citizenship to children of a

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itizen serving honorably in the armed orces.

16—*Act of Feb.* 14, 1944, as amend-d, and Act of July 3, 1945, waiving ertain immigration restrictions for 'orkers from Western Hemisphere ountries. Act of Dec. 28, 1945, pro-ides for admission of agricultural 'orkers.

17—*Act of April* 29, 1943, also relating to waiving of immigration restrictions for workers imported from Western Hemisphere countries.

18—*Act of Sept.* 27, 1944, permitting disposal of materials or resources on public lands under the jurisdiction of the Secretary of the Interior.

On January 6, President Harry S. Truman faced the 80th Congress and elivered his "State of the Union" message. After calling for co-operation rom the overwhelmingly Republican Congress, the President launched his roposals for settling the labor disputes that plagued the nation in 1946.

Said the President, "During the last decade and a half, we have estab-ished a national labor policy in this country based upon free collective argaining as the process for determining wages and working conditions. his is still the national policy."

Then Mr. Truman recommended a four-point program which called for:

1. Early enactment of legislation to prevent jurisdictional strikes, secndary boycotts, and the use of "economic force" by either labor or manage-ient to decide existing contract issues. "When rival unions are unable to ttle such disputes among themselves, provision must be made for peaceful id binding determination of the issues." The President later amplified this :mark by stating that he meant compulsory arbitration.

2. The development and expansion of Labor Department facilities for iediation and voluntary arbitration. "There is need for integrated govern-ental machinery to provide the successive steps of mediation, voluntary rbitration, and—ultimately in appropriate cases—ascertainment of the facts f the dispute and the reporting of them to the public."

3. A general extension of the social security system, a comprehensive ational health program and provision for a fair minimum wage.

4. The appointment of a temporary joint commission to study labor-anagement relations.

Promotion of Private Enterprise

Mr. Truman was distressed by "the growing concentration of economic ower and the threat to free competition in private enterprise." He re-orted, "In an effort to assure full opportunity and free competition to busi-ess we will vigorously enforce the anti-trust laws. . . . To strengthen and iforce (the laws) is not enough. . . . Enforcement must be supplemented by ositive measures of aid to new enterprises. Government assistance, research rograms, and credit powers should be designed and used to promote the owth of new firms and new industries."

The President touched upon housing, calling for rebuilding of blighted eas of our cities, incentives for investments of private capital in large-scale ntal housing projects, improvements of housing in rural areas.

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FORUM FEATURES

Mark Starr, Educational Director of the International Ladies' Garment Workers' Union, in submitting his article on the Japanese Labor Unions, writes, "I know that statistical table will look deadly but, on the other hand, it had appeared nowhere else and it is the detailed proof of the growth of the unions. Most of our journalists there (in Japan) belong to the squawk press and forget the good side of S.C.A.P. policies there with relation to the unions."

Helen F. Faust, who is a Counsellor at the Simon Gratz High School in Philadelphia, is particularly well-qualified to present the interesting discussion *The Public School and The Delinquent* which appears in the February FORUM. Miss Faust concludes that the school can help the delinquent if it could procure more money, more and better trained personnel and the cooperation of the community.

Perhaps you will be interested in reviewing the problem of delinquency as it has been discussed in FORUM from the divergent viewpoints of Municipal Court Judge Nochem Winnet in January, and Professor Paul Tappan in the December issue.

Does Civil Service Endanger Democracy? is the subject of this month's FORUM. FORUM readers may remember *Max Knepper,* as a journalist on the *Hollywood Press Times* and author of *Is Hollywood Growing Up?* a particularly interesting analysis of the motion picture industry which appeared in the June and July issues of FORUM.

Mr. Knepper observes that the Civil Service system as it now stands does not carry out the will of the electorate and cites California as the supreme example of what happens when there is too much Civil Service.

Louise Palmer, graduate in Public Administration of the University of Chicago, and former Civil Service employee, holds that even with its evils, the system is better than the Spoils System still prevalent in Chicago. The Civil Service system needs surgery, not a mercy killing.

If you are interested in the labor-management conflict, turn to the review of the 1946 strike situation, *Why Strikes?* by *Colston Warne.* In February *George Hallett* and *William Woodward* continue the discussion of proportional representation.

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